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HENRY M. GILL,
Corresponding Secretary,
The Cabildo, New Orleans, La.

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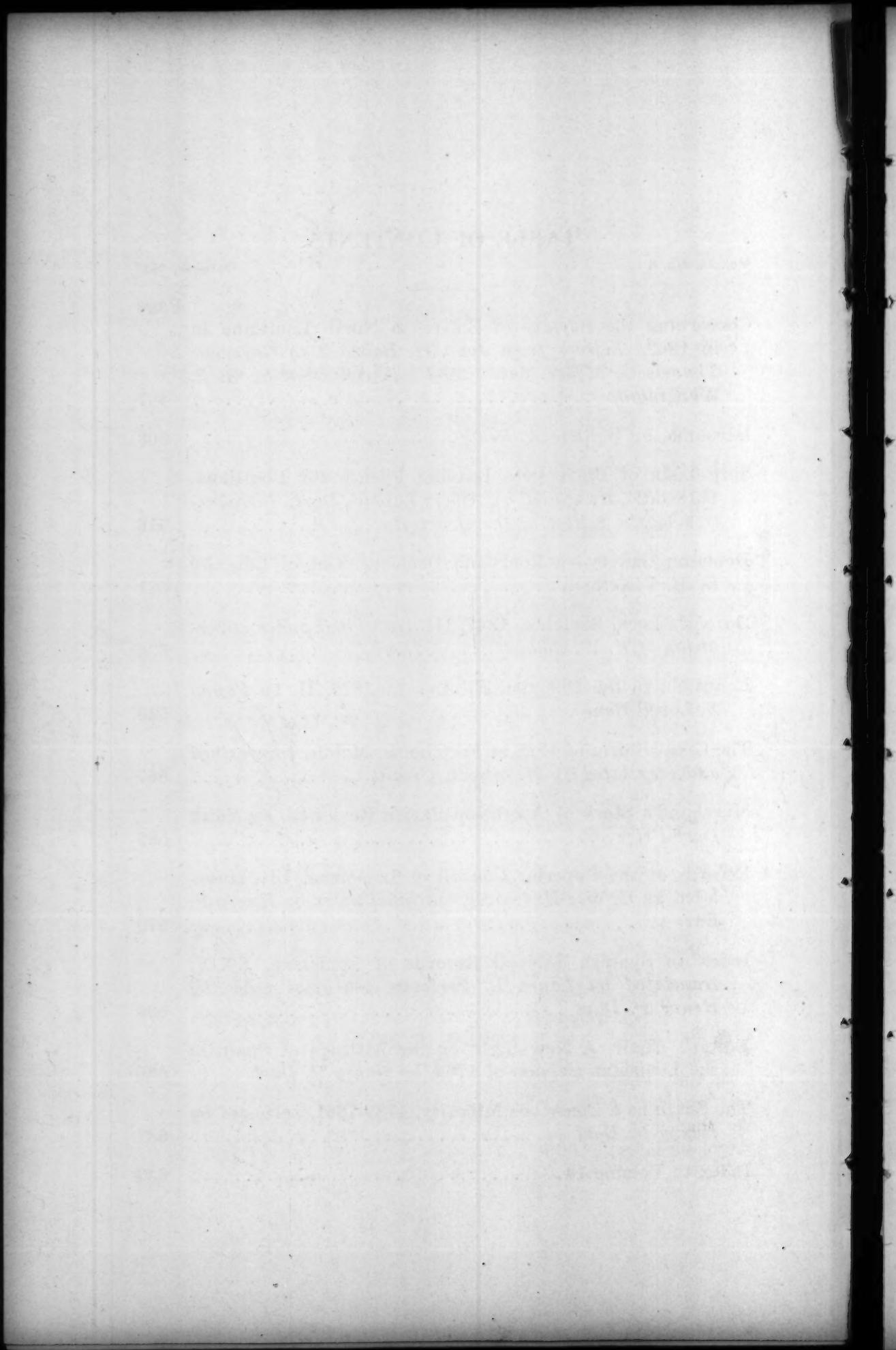
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THE LOUISIANA HISTORICAL QUARTERLY

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CONCERNING THE LOYALTY OF SLAVES IN NORTH LOUISIANA IN 1863

Letters from John H. Ransdell to Governor Thomas O.
Moore, dated 1863*

Introduction by G. P. Whittington

FOR A NUMBER of years since the war of 1861-65 the literature of the South has been filled with stories of the faithfulness of the slave to his Master and his Master's family. Many stories have been told of how this one or that one had adhered to his Master, protected and assisted the Mistress and helped to save the property of the absent owner, who was away from home serving in the Army of his country. This all made pretty stories and was true of a few particular slaves, but from the information that comes to light from time to time we are forced to the conclusion that as far as the greater number of these slaves were concerned these stories are pure fiction.

During the period from the time of secession to near the middle of the year 1863, Central Louisiana had been free of the scourge of an invading enemy. It had not suffered from the want of the necessities of life. The slaves had been retained on the plantations where their work was directed by some member of the family exempt from military service or some one too old to be in the Army, a hired overseer and, in some cases, by the woman of the family. Large crops of corn, cotton, sugar cane and other produce were raised and harvested. Trade was carried on with New Orleans even after the surrender of that place to the Federal Army. Some cotton, sugar and cattle found a market with the enemy and in turn there was brought back products that were not raised in this section. The labor on the plantation was that of the slaves. They were held in subjection by a military patrol or home guard. The Union Army controlled South Lou-

*See the paper by Mr. Whittington on Governor Thomas O. Moore and the Papers of the latter, La. Hist. Qy., 13, pp. 1-31, January, 1930.

isiana, but a detachment of Confederate troops remained between South Louisiana and the plantations in this section. This patrol and the presence of these troops between the plantation and the point of refuge in a great measure prevented the slave from running away from his master. Attempts from time to time were made by these people to reach the enemy's line, but usually with very poor success.

The State had concentrated at Alexandria army stores and food. Foundries and machine shops had been established at Alexandria for the converting of old arms into useful articles of warfare. A packing plant had been established where cattle and hogs were brought from Texas and the Western part of Louisiana, slaughtered and the meat pickled to be sent on to the Army east of the Mississippi. Steamboats were being converted into gunboats.

All in all, this appealed to the Federal Army as a very desirable point to capture, in order to confiscate the stores, and to destroy the factories. A joint expedition of the Army and Navy was planned by General Nathaniel P. Banks and Admiral David D. Porter. The Navy proceeded up Red River from a station below Vicksburg and the Army traveled overland from Port Barrie, Opelousas and South Louisiana and marched up Bayou Boeuf, reaching Alexandria after the capture of the town by Admiral Porter.¹ It is said that as soon as the news was received by the negroes through the countryside that the Yankees had captured the town that they immediately deserted their homes and came in to see their new friends. While the Navy was in charge the slaves were not permitted to stay within the town, but when the Army arrived all was changed and the Union soldier from Officer to Private, freely associated with the bondsman.²

¹The Army reached Alexandria May 6, 1863, and the rear guard left the town May 17, 1863.

²*La Democrat* (Alexandria) June 3rd, 1863: "For the twenty hours the naval authorities controlled the place (Alexandria) the straggling negroes were driven out of town and refractory ones punished, but so soon as the infantry arrived and General Banks assumed command there arose a scene of confusion to which justice cannot be done with the pen.

"While invading family firesides they sowed the seeds of dissatisfaction and insurrection among the servants. They associated with the slaves and shared their quarters. Between three and four thousand negroes were taken from this parish. Almost every planter has lost some and a few lost all. The deluded wretches

were hurried off and a thousand stories poured into their bewildering ears. In many instances the soldiers became custodians of the negroes' money, promising to give them better money upon their arrival in New Orleans.

"Among the many fancy doings of the Yankees while in our midst was their riding in full uniform, four in hand, with damsels the color of a new saddle. Now, reader, just imagine General Dwight, with five gallons of Bayou Robert tanglefoot in his carcass, and his pretty wry face, driving through the streets with jet black and chrome yellow Dinahs by his side and you'll have one of the pictures of the past month."

News of the coming of the Federal Army and Navy reached the Confederate authorities through their scouts in ample time to permit the removal of the machinery, stores and boats beyond their reach. The Army remained a few days at Alexandria, during which time a detachment under General Weitzel advanced up Red River to what is known as Monette's Ferry. Here they turned back and as soon as they reached Alexandria the Army took up its march back to South Louisiana and Port Hudson, the last Confederate stronghold on the Mississippi River. Due to the rapids in the river the gunboats were not able to go above Alexandria.

Bank's army did not bring a commissary with it, but depended upon the country through which it marched for supplies. This resulted in the killing of a great number of cattle, hogs and sheep and the carrying away of a goodly number of horses and mules from the plantations along the line of march. Aside from this confiscation or theft (whichever you choose to call it) the greatest loss to the planter resulted from the destruction of crops, destroyed fences, live stock and the demoralized slaves. It can truthfully be said of these soldiers that they were not vandals, they did not destroy homes, public buildings and the improvements on plantations. This came later, when the 15th and 16th corps under General Andrew Jackson Smith visited Louisiana in May, 1864.

Some of the planters, learning of the advancing enemy, removed their slaves to the Northern part of the State into East Texas, taking with them the work stock and such movables as could be transported beyond the territory invaded. Some, however, concluded that they would suffer less by remaining on their plantations. The slaves that were saved were completely demoralized. Some thought that the Union Army was to remain and they would be protected whether they worked or loafed. Some had armed themselves and participated in active demonstrations against the governing authorities. Others took possession of their Masters' property, or helped the invaders to locate the property of the planter and some few even went so far as to threaten with bodily injury the family of their former Master. Some crimes were committed by certain slaves, but where apprehended of course they suffered.³

³*La. Democrat (Alexandria) June 3, 1863.*

"LOOK TO THE FUTURE

"The uppermost thought in every one's mind before the Yankee invasion of our Parish was, what will be the conduct of the slaves. The most important considera-

We think that the attached letters bear out these statements as to the conduct of the slaves, and are well worth preserving in print. They were written by Mr. John H. Ransdell* to his friend and neighbor, Governor Thomas O. Moore, in 1863, at the time these events were transpiring. Governor Moore was a large planter in Rapides Parish. His property was in charge of over-

ation for all of us now that that invasion has swept by, is what conduct are we to pursue to them? It may be that some citizens have not aroused themselves to proper reflection on this matter. Perhaps some have not recovered from the excitement produced by the whirl of events, sufficiently to make up their minds to any determined course. There may be others who are so terrified by recent losses that they shrink from the prospect of losing more.

"Surely no proper thinking man will agree that the faithful slave who has adhered to his Master, protected and assisted his Mistress, and helped save their property, shall be placed upon the same footing, with the ungrateful and vindictive scoundrels who took possession of their Master's property, pointed his place of refuge out to the enemy or voluntarily acted as guides to them in their marauding overspreading of our country. Still less can it be tolerated that those who were seen armed or participated in any active demonstrations shall be permitted to go unwhipped of justice. It may be said that each individual owner will be the best judge of the matter of his slaves' offences and the best executioner of his sentence. We enter our dissent to that opinion. This is a matter of too much public concern to be left to such uncertain control. Some offences have been committed that cannot be atoned for but by death. Others may be safely expiated by the lash or other corporeal punishment. Others may safely be left to the milder discipline of the plantation. The

punishment for each proper to its kind, should be inexorably and unflinchingly inflicted.

"Who is to determine that important question? What tribunal shall take cognizance of these offences? And here again arises the inquiry: is the law as at present exists, sufficient for the occasion? If not, some one will say amend it and put it in force. Such objection might be answered that new laws could not operate on the past, but we do not care to answer such objectors at all. We say, that public safety is of too much consequence, so far as it is connected with the matter, to be measured by that rule. On the other hand, we strongly condemn isolated instances of punishment by mob or brute force. Let the citizens themselves, those who are most interested in their future safety, take this matter to heart. Let them call on the military authorities (the general commanding) to subject the offences of the slaves to the quick and sharp arbitrament of a military commission. Let one of the most prominent and diabolical malignity be examined and the penalty be at once inflicted. This will inspire wholesome terror. Its example will be long remembered. Here and there the life of a slave forfeited by his crime will entail a loss, but a great and good result will be attained, and those who are instrumental in engraving a wholesome lesson on the minds of this impressionable population will have cause to be thankful hereafter for this suggestion."

*The writer, John Hickman Ransdell, whose letters are here printed, was born July 7, 1820. He was married to Amanda L. Crawford, nee Terrell, on February 20, 1844, and was the father of seven children, five boys and two girls. Three of his sons were lawyers: John H. Ransdell, Jr., who died March 15, 1875; United States Senator Joseph E. Ransdell, former District Attorney and Congressman, and Francis Xavier Ransdell, who was judge of the 6th Judicial District Court for the Parish of East Carroll for nearly twenty-five years. His daughter Martha Louisa married Robert P. Hunter, who practiced law in Rapides for fifty years. He is the grandfather of Robert A. Hunter of Shreveport, John R. Hunter of Alexandria, Mrs. Dr. Clarence Pierson

of Alexandria, Miss Mary Hunter and Joseph Montgomery of New Orleans, former United States District Attorney.

John Hickman Ransdell was the son of Christopher Ransdell and Martha Hickman, the daughter of Rev. William Hickman, a member of the well known Hickman family of Kentucky. He entered the newspaper field, serving his apprenticeship with the *Louisville Courier*, afterwards the *Courier-Journal*. He came to Rapides Parish in 1839 where he established and edited the *Red River Whig* to combat the teaching of Louis Zimm. He was the owner of Elmwood Plantation, near Moreland. In later years he became a local politician and sugar planter and was accidentally killed in his sugar mill on November 24, 1869.

seers and managers. The Governor was absent from home, knowing full well that if he were apprehended he would be tried for treason. Ransdell was a native of Kentucky, a former newspaper man who had received his training on the Louisville, Kentucky, *Journal*. He had been brought to Alexandria to edit a Whig paper, the *Red River Whig*. This was during the '40's, when the Whigs were an active political force in this State. The leading paper of this section in those days was known as the *Red River Republican* and was owned and edited by one Lewis Zim, a rabid partisan, a very able writer, and it was to overcome the influence of this man and his paper that Ransdell was employed to come to Rapides. In time Zim changed his politics and went over to the Whigs, taking his paper with him and Ransdell's paper went out of existence.

Ransdell then became a planter engaged in raising cotton and sugar on what was known as "Elmwood Plantation."⁵ He was a close friend of Governor Moore and when Moore's overseer and manager deserted his property, Ransdell took charge and attempted to save as much as possible out of the wreck.

G. P. WHITTINGTON.

LETTERS OF JOHN H. RANSDELL TO GOVERNOR THOMAS
O. MOORE, MAY-JUNE, 1863

Elm Wood, May 24, 1863.

Dear Governor—

I would have written to you before this had it not been that I expected you every day, and could in person better tell you what had transpired since you left. Your letter of the 7th inst. however was received this morning, and I will defer no longer.

You will have heard before this reaches you, of the destructive raid of the Yankees, up here, of their short sojourn and rapid falling back; but of the particulars you of course have heard but little; and when I tell you that it is impossible for language to tell what we had to endure of mental inquietude as well as dread, I tell you nothing but the literal truth. The arrival of the advance of the Yankees alone turned the negroes crazy.

⁵Elmwood Plantation, from which place Mr. Ransdell's letters are dated, was adjacent to Emfield Plantation, owned by Mrs. Governor Thos. O. Moore. Those who may be interested today in the topography can trace these old plantations as follows: Going South along the present Jefferson Highway from Alexandria along Bayou Robert, you first come to what is known as Mooreland Plantation, about seven miles South of

Alexandria. This property was owned by Governor Moore. Then we come to the property known as Rosalie, or the property of Judge Gervais Baillio. Then came Emfield Plantation, which was owned by Mrs. Thomas O. Moore; next was Elm Wood that belonged to Mr. Ransdell and just below his property was the property of Josiah Chambers. This covered the distance of about three miles.

They became utterly demoralized at once and everything like subordination and restraint was at an end. All business was suspended and those that did not go on with the army remained at home to do *much worse*.

Mr. Younger and Mr. Bledsoe both left the same day they came up and took off what mules they had. Mr. Y. left the keys with the negroes, and the Yanks coming directly afterwards and telling them everything was theirs and that they were free to do as they pleased, they turned out and I assure you that for the space of a week they had a perfect jubilee—Every morning I could see beeves being driven up from the woods to the quarters—and the number they killed of them, to say nothing of the sheep and hogs, it is impossible to tell. The hogs were mostly yours and the sheep Chambers'.¹ They said the Yankees told them to do so and certain it is that some of them were there all the time. No work was done and the place swarmed most of the time with negroes from other places.

There was no white man on C's place below me, and of course the devil was let loose there and on my place too. What few whites there were on the Bayou considered it demanded by prudence to stay at home, and of course we could not know one half of what was going on. Your boy Wallace and two others—one yours and the other C's forcibly put a Confederate soldier in the stocks at your place on Saturday night a week ago. They abused him too, very much. At night—or rather near day on Sunday morning he managed to get away—and very early on Sunday the last trains of the Yankees coming by, Wallace and a number of others, scared at what they had done and at a report among the negroes that the "rebel" soldiers were coming on down and killing negroes as they came, put off and went in the rear of the army. The news first came to me that all had gone—but from what I can learn from Bledsoe about 35 left home. I don't know them except that Ben and his family are among them. Four of mine went also.

All my mules and horses, of any value, wagons, carts, bridles, saddles, etc., were taken. Your buildings on neither place are injured. The furniture was taken out of your dwelling house and distributed among the negroes, but they were made to put it back, it is injured somewhat but not materially. Dick, Isaac, Bill, Huff, Armstead, Clem, Ned, Hose, Dennis, Tom and Henry McWaters have gone from the upper place. All the hog meat was taken out of the smoke house as well as three bbls. beef and destroyed. A train of negroes camped in your yard and some of yours showed them where everything was, and then they soon made way with it. Out of 70 barrows and spayed sows, Bledsoe says he does not see one left and but few of the others. Younger has not returned. I have anxiously looked for him for several days with the mules.

¹Josiah Chambers.

I would have put a white man on the place if I had not expected him every hour. B. thinks he will certainly be here this evening. B has four mules at work on the upper place—there is none here and without teams can be got in a few days the corn crop is ruined.

Some of your mules went down this morning, along with a part of Walker's brigade.² But they could not be got. I will make an effort in the morning to get an order from General Taylor³ to get them. Come home at once if you expect to make a crop, as you alone can set matters to rights. There are 3 bbls beef at the lower place and enough of it at Mooreland to last sometime. Counfound them, they deserve to be half starved and to be worked nearly to death for the way they have acted. They have been working corn with the hoe on both places since Monday last but the force looks very small to what it did.

The *drivers* everywhere have proved the worst negroes—Judge B.⁴ has lost 47 negroes, 3 wagons and all his horses and mules save 7 or 8! Some planters lost nearly every movable thing, and some have suffered but little from the loss of negroes. I will buy some beeves in a few days if they can be had. Hannah and Virginia have done the best they could, but they could neither control the Yankees nor the Negroes. Your wife's and Mrs. H's likenesses were torn out of the frames and taken off.

Send the negroes back at once—there is no danger now, as the enemy have all skedaddled—

Again I say come quick. I could only get Barstow to take off 19 Hhds of sugar—the Yanks and negroes took off 5 or 6 Hhds and the rest was taken back to the sugar house. Persons suffered generally less who stayed at home—I will do all that I can for you—of that you may be assured.

Yours truly,
JOHN H. RANSDELL.

* * * *

Elm Wood, May 26, 1863.

Dear Gov—

Your two letters—the 17th and 23rd May, have just reached me and been read. On Sunday I wrote you a long letter and gave you as full an account of the situation of affairs as I could then. That letter I sent to E. R. B.⁵ and wrote him a note asking him to send it on at once. I also begged him to see the proper military authority and try to get an order for the immediate return of your mules, saying that the crop could be lost if they were not

²Walker's Texan's Division. These men were as much feared as the Union Army. They had a reputation for taking anything they could find that could be carried away, specially provisions, live stock and stock feed.

³General Richard (Dick) Taylor.

⁴Judge Gervais Baillio.

⁵E. R. Blossat, Editor of the *Louisiana Democrat*. Moore was a part owner of this paper.

returned in a few days. The letters were delivered but I received no answer, altho' I don't doubt that Jim did all that he could.

In my former letter I forgot to mention that 5 of your teams were captured by the enemy, they had been sent to Lecompte for sugar and by the time they returned to Lamourie bridge the last of our troops had passed up and *burnt the bridge*—so of course they were taken. About the sugar I wrote you. Nineteen Hhds were taken off by the R-R* and what became of them I have not yet learned—the others, together with the 5 bbls of molasses for Dr. B. were left on the platform. And of that I think 5 Hhds were taken. There are now in the sugar house 44 hhds and 37 bbls molasses.

None of your crop was hurt by the enemy. The damage it has sustained, and that is very serious, is from the want of work. Most of the corn looks well. The last few days Younger was here he had 4 furrows thrown around a great deal of the cane, followed by the hoe hand—and that has saved it. But the corn in the old stubble land and among the stubble itself is the corn that has suffered so much. But you need not be uneasy. Plenty of corn will be made, and if the teams can be had shortly a good deal of the cane can be saved. The stock of cattle is not here yet—will arrive tomorrow.

Y and family got here Sunday night and he is hard at work doing all he can. He is preparing to plow the cane middles with oxen, and everything that is possible will be done to save it. I have just heard that 2000 head of stock has been turned loose by the enemy between Cheneyville and Simsport—I shall start in the morning to hunt up some and will look for you as well as myself. I will get Younger to go up with the letter to Maj. Surget[†] and will write him also in relation to the mules—and if representing the matter in a plain and proper manner can have any effect he will let them come. They can do it if they wish, for a good many led horses and mules have been carried by.

I will tell Y about the peas—and also to set out more potato slips—Send the mules from S. at once. Bledsoe has eight teams at work on the upper place—Y has only got 2 down here yet, but will be able to start one more tomorrow. The corn has been well worked with the hoe within the last week and it has done a great deal of good—No green house was torn down or anything else of value destroyed. Indeed you came off most persons think very well with the exception of the loss of negroes.

Things are just now beginning to work right—the negroes hated awfully to go to work again. Several have been shot and probably more will have to be. Chambers'—down here—have

*Red River Railroad. The first railroad west of the Mississippi river. It ran from Alexandria to Cheneyville. It was built in 1838 and destroyed by General Banks in 1864.

[†]Major E. Surget, Assistant Adjutant General on staff of General Richard Taylor.

been acting very bad—and the overseer and five or six others ran off since Friday last. On Sunday the most of those left were whipped and matters are getting on better now. All the furniture at Elmfield was taken out of the house and taken to the negroes' cabins—and yesterday morning when I got there Y was having it brought back. Old Frank and a number of others started too late—our cavalry turned them back—and now Frank says he never had any idea of going with them. The recent trying scenes through which we have passed have convinced me that *no dependence is to be placed on the negro*—and that they are the greatest hypocrites and liars that God ever made—

And now farewell, for the present, as I have not time to write any more.

Mrs. R. sends her regards,

Yrs. truly,
JNO. H. RANSDELL.

* * * *

Emfield, May 31, 1863.

Dear Gov—

Yours of the 25th, with the enclosure to Gen. Taylor, has just come to hand. I will go up to town in the morning to see what can be done. I suppose that long before this you have received my two long letters, which told you of how things were pretty well up to that time. I can easily imagine your anxiety and your uneasiness, but my letters must have relieved you to a great extent.

The mules and team arrived safely, and I will have the mules divided between the two places. We have got no mules yet from Major Surget, and it is uncertain when we will get any. He was perfectly astonished when he heard of the wagons and 28 mules of yours which had been captured by the enemy, and appeared to have been at the first of it. The Confederate officer commanding at Lecompte it appears, had sent up to the plantations for the mules and wagons—they had been sent down as quick as possible and loaded with sugar and got to the Lamourie bridge on their way to town just *too late*, for the bridge was burnt by our cavalry—The boys, I understand, were told by some citizens who saw them, to unhitch from the wagons and make their way up home through the swamp and across Bayou Beouf, but they were nothing loath to be taken by the Yanks and did not move until they came up—I will see Surget again in the morning and you may be assured no effort will be left untried to get the mules—

In regard to meat they are getting on well enough, as there is plenty of beef left to last three weeks yet; and by the time that is out I will try to have some more on hand—I will of course know tomorrow what General Taylor says in regard to your application for a return of the meat you let the Govt. have—

Since I last wrote you, ten or eleven of the Emfield negroes have returned. An enclosed note from Mr. Y. will give you the names.

On Wednesday morning last, very early, I started down the Bayou on the hunt of negroes and mules. Rumor, with her ten thousand tongues having said that from 1500 to 2000 negroes and about 500 horses and mules had been left by the enemy this side of Simsport. There was so much at stake that I thought it worth while to make the trip to learn the truth, for I had 12 mules and four horses and 4 negroes gone and you had a great many negroes gone—and so had Judge Baillio, and they all went at the same time. Well, I made the trip. It was long, warm, dusty, disagreeable and *fruitless and*—I saw some 300 mules probably—went amongst them, but there were none at all belonging to our neighborhood. Those taken from here were too fine to be left behind.

At Simsport I learned that all the negroes taken from this part of the country had been crossed over the Atchafalaya thence marched to the mouth of Red River and were either crossed over the Miss. with the army or driven on down the River—I saw a number of our cavalry who were returning from the Miss. just as we reached Simsport. When they crossed over I learned from them that they had been within twelve miles of Bayou Sara and saw no negroes at all save some that belonged to the neighborhood—and that all of them that had been taken on by the Yanks, had been got out of the way—so there was no hopes to get any of our negroes, and I returned—The “Camping Ground” at Simsport must have covered some 15 acres of ground—and there were scattered about more negro “fixings” than you ever saw in your life. They had evidently been made to throw away or leave behind nearly every particle of their furniture, which must have been a hard trial to them. There were on the ground a *great many* wagons and carts, some of which were quite valuable. They were those, I suppose, which the negroes took off; and as the whole country has been stripped of such things they should be recovered if possible.

The country in many places below is *ruined*—fences were torn down and burnt—houses and provender destroyed, cattle turned into the fields, and the negroes on many plantations driven off in a body—This is no fiction—For instance—Mrs. Jabez Tanner's and Ralph Smith's⁸ all left save some 4 or 5 old ones on both places—Tho's Helm's all left but 9—and only 3 hands among them, and then recollect that every mule, horse and wagon was taken at the same time. Below those places on the road to Sims-

⁸Ralph Smith-Smith was a native of New England, a civil engineer by profession. He served as a civil engineer in the construction of the Baltimore and Ohio Railroad and came to Louisiana to supervise the construction of the Red River Railroad in 1838. Eventually he became the sole owner of this property and vested with large planting interests and a number of slaves.

port the destruction of property and crops was greater if possible. The Norwood and Smith places for instance, near Simsport, were stripped of every negro and everything else worth taking off, and the places turned out for pastures. The widow Cannon also had all of her property taken. But I must stop—for even now, as I bring up the scenes that met my eye and the tales of distress that I heard on that trip, the heart sickens and I feel like dismissing it from my mind if possible.

Our losses, though considerable, are *nothing in comparison to those of the planters below us*—and we really have great cause of thankfulness that we came off so well—

Things are getting on as well as possible on your places, and your managers are doing the best they can wth the means at their disposal. They will be able to start six more mule teams of course in the morning, besides which Mr. Younger will start a number of ten to plough out cane middles. The cane looks very well indeed, considering the long time it has been neglected—and I now think you may safely calculate on plenty of corn being made and a good deal of cane, also. Our cane is now very much in want of rain—and if we get a good one in a few days a large quantity of corn will be made. Mr. Y. had the hoe hands scraping the cane next to the lane between us yesterday. It looks well, but is almost run away with grass and weeds. Y. will plant peas in a few days. The pumpkin vines look well. I have had several applications for sugar in the past few days, but have only sold two bbls at 30c. I Thought I would not sell any amount of it until I heard from you. It will command a *very high price* for the next 12 ms at any rate, as I do not see how and where any amount of it is to be made.

None of Judge Baillio's negroes have returned. His loss is a very serious one indeed. Jos. returned home yesterday—

As soon as anything of interest transpires I will write you again. *Mules* are what we want, and if I can get them in a few days we can get on very well.

In the meantime be assured that I will keep a look out and do all I can for you.

My respects to Mrs. Moore and believe me,

Yrs. truly,

JNO. H. RANSDELL.

* * * *

Alexandria, June 1, 1863.

Dear Sir—Gen. Taylor is not in town—he has gone to New Carthage. Maj. Phillips has agreed to return the meat and will send out 500 lbs. this evening—also some flour etc., to your wife. I have not collected any money yet owing to the absence of Maj. Brent^o and Capt. St. Paul.

^oMajor J. L. Brent, member of General Richard Taylor's staff.

I will send up the sugar as soon as Barstow can take it up. He says it will be several days before he has the cars running.

I have not seen Mrs. M. yet but will call this evening. No news of Wallace.

J. H. R.

* * * *

Elmwood, June 3, 1863.

Dear Governor—

Since my last nothing of particular interest has taken place, except that the mules will be got this evening or in the morning, and then ploughing can be pushed ahead. The weather, is awfully dry though, and I never saw the ground harder to plough than it is at present. The long dry spell is telling very seriously on the corn. I assure you, more particularly that which has suffered for the want of the plough. Taking it altogether it looks astonishingly well, and the plough and a good rain would soon bring the most of it out. We have had no peas of any consequence sowed yet in consequence of the drouth—but they will be attended to the moment they can. Chambers will return the peas he owes—

The sugar was taken up today and will go on the "Texas"—I will go to town in the morning and see about the freight—

Mrs. M. told me this evening that she had been sent 1500 lbs. bacon from town—so you see that will do for a while.

She starts up to Natchitoches tomorrow evening to assist Mr. H. and family in getting home.

Nathan and Mr. Bledsoe had a fuss last evening. Nathan had been acting badly and B. determined to chastise him when N. showed fight and told B. he was ready for him B. knocked him down—whipped him pretty severely and put him in the stocks. And this morning the gentleman was pretty well cooled down and is at his work—

Upon looking thoroughly at your whole crop I have determined on one thing after consultation with Mr. Younger and also with your wife. It is this—I have about 45 acres of cotton which I am now ready to go into to work; and Mr. Y. has much more on his hands than he can get through with—and as it will be more to your interest and to mine, also, that I should cultivate all of your cane, that I can, I have determined to throw aside the cotton entirely, and go to work on your cane. I am sorry that you are not here in order that we might have an understanding about the matter; but still I will go at the work with the full assurance that it will be mutually advantageous and that there will be no difficulty in our settling it to our mutual satisfaction. Let me know at once if I have done right, as I assure you I think you would gladly make some arrangements of the kind if you were here—

Mr. Y. thought a few days since he could manage the crop but he now admits it is impossible and wants me to cultivate all I can.

I shall commence on the plant and stubble cane, mixed, which is next to the lane between us. The plant cane has been scraped but no dirt has ever been thrown to it and the middles are as bad as they well can be—

Yours truly,
JNO. H. RANSDELL.

* * * *

Elmwood, June 6, 1863.

Dear Sir:

Yours of the 6th inst. is before me, and contents noted—I am sorry to undeceive you in regard to the reported exploits of Gen. Mouton.¹⁰ Rumors of his having done great things were quite rife here some five or six days ago but they were utterly destitute of foundation in truth. People I think, imagined that he *had* done so and so because he had force sufficient, and therefore it has taken for granted that it was as it should be. Lieut. Hardie, of Clack's Battalion, spent Thursday night with me on his way from Grand Coteau, where he had been for his wife—he informed me that the whole Yankee army—that portion of it at least which had gone that way—with all the negroes, wagons, mules, etc., etc., had safely crossed Berwick's Bay, without any molestation on the part of our troops—that the passage was made over in floats, and that a large part of the train, etc., could have been easily cut off, that Mouton, with nine hundred cavalry had come up with them at Vermilion, that an action commenced between the respective forces, which, however, only continued a few minutes, when Mouton ordered our forces to withdraw—and then they, the Yanks, were allowed peaceably to pursue their journey. He represented also that great excitement existed down there against Mouton* on account of the manner in which he had acted. "I tell it to you as it was told to me"—not knowing the facts, altogether. Of one thing, however, I have no doubt—there has been *very bad* management down there, else the immense train of the enemy never could have escaped—and that they got off everything seems now to be generally believed.

A considerable number of wagons and carts were left at Simsport and I had been thinking it would be well for one of the overseers to go down there and examine them and if any of yours were there, have them put in charge of some one until they could be sent for. I will attend to that—

¹⁰This was General Alfred Mouton. He was born February 18, 1829, at Opelousas. He graduated from West Point July 1, 1850. He resigned from the Army in September of that year. In 1852 and 1853 he was Assistant Engineer of New Orleans and Opelousas Railway. At the beginning of the War he was elected Colonel of the 18th Louisiana and was appointed Brigadier General, April 16, 1862. He was killed in the Battle of Mansfield, April, 1864.

*General Mouton.

As to the negroes I think they are all gone for the present, that is they are in the lines of the enemy—and getting back is not so easy, even if they want to. Mr. Y. tells me you have 27 missing from Emfield—22 of whom are hands—and I think there are now eleven gone from Mooreland, one having run off on Thursday—I will get Y and B. to send you the list you write for—

As I wrote you on the 3rd we are suffering for rain, though you have some as pretty corn as you ever saw—We got 26 mules on Wednesday—14 sent down here and 12 left at the upper place. Your mules are promised as soon as they can be got. Those sent are nothing like yours. Mr. Y has now 5 double teams and eight or nine single do. of mules, and five teams running—he is throwing 4 furrows to the row around the cane. I have six double teams at work in the cane—will have seven on Monday, I am ploughing out the middles entirely where I work. Everything shall be pushed as much as possible—I do not know whether Mrs. M. is at home or not, as I have not been able to ride for 2 days on account of a boil. Your millet looks very well. You need not be in the least uneasy about the negroes. They will get fully as much as they deserve, if not more. There are some vegetables—enough to cook with the meat. *My feelings*, too, have entirely changed towards the negro. I now care nothing for them save for “their work.”

The boats raised on the freight of sugar. The asking price was *3c per pound*.

Be assured I will get everything I can from Major Surget—

I have already told Mr. Y. that you wanted G. to examine the kettles, and he will be spoken to about it as soon as he comes up—

We have no news of interest, though we are in considerable anxiety about the result in the neighborhood of Vicksburg. If we succeed in destroying Grant's army there, I think we will soon see the beginning of the end. With you I think that God is with us, and that we must succeed! But that that glorious consummation may soon be witnessed, I must fervently pray.—

I hope you got the two letters I sent by Andrews.

Mr. Y. came in and interrupted me just here, and as he says he will write you fully tonight about plantation matters I will say no more—

I will try to get Bledsoe to go to Simsport to see about the wagons and carts—

Yours truly,

JNO. H. RANSDELL,

Gov. Moore.

Elmwood, June 12, 1863.

Dear Gov—

Your boys Henry—the blacksmith at Emfield—and Clem, of Mooreland, returned home on Saturday night last, after I had written you. Henry disappeared again on Monday morning and has not since been heard of—Clem appears to be contented. Henry appeared in good spirits on Sunday and to Mr. Y. expressed (himself) glad to have got away from the Yankees. My opinion is that neither of them came back with the expectation of staying and that there is some deep laid villainy at the bottom of it, what it is, though, we have as yet been unable to find out. None of the others have returned, and the boys mentioned pretended as if they had not seen *any of the rest of your negroes at all* and had seen none of Judge Baillio's except old Daniel—

We are pushing ahead as fast as possible. In a few days all the cane on Emfield will have four furrows around it, to say nothing of that which is plowed entirely out—and then we can begin to see our way out of the woods. No rain yet and every day tells seriously on the corn. The appearances for rain are favorable, though—we had a little shower yesterday evening, and I am much in hopes we will have a big one today—if we do have it in a few days we will make corn in abundance.

We can get no more mules from the Govt.—except your own—Bledsoe has the order for them and Capt. Nugent has ordered them sent up, but when they will be got is uncertain. They have a good many more mules to distribute but they are letting those have them who lost all by the Yankees. I have collected the money due for corn and fodder on the receipts you sent me. Have got no meat yet, but there will be no difficulty in getting it. Have written to Col. Gray¹¹ about the 26 bbls of pork but have got no answer yet. Capt. H. St. Paul is to pay for the horses. He is absent, but as soon as he returns I will see him—

Barstow told me on Monday that I misunderstood him about the 19 Hhds of sugar in relation to which I wrote you. He says he did not tell me he had taken off 19 Hhds from your platform at the time I supposed he did, but that he had that number in the warehouse which he had shipped to Shreveport—and of which you have of course heard long before this. It was a misunderstanding of mine, but not a material one as 19 Hhds is too much for any mistake to occur about.

Saturday Morning, 13th June.

I saw Mrs. M. this morning—all well—she informed me that she had received a letter from you of the 9th and I was much disappointed in not getting a letter from you on my arrival here

¹¹This is Colonel Henry Gray of North Louisiana. He was commissioned Colonel of the 28th Louisiana in May, 1862; Brigadier General as of date April 8, 1864. After the war he settled in North Louisiana where he lived until the time of his death, December 13, 1892.

as she informed me you had received my letters sent by Andrews. Nothing new. Bledsoe was arrested by Maj. Dock yesterday—examined today and ordered to report again in one week. There will be but little difficulty I think in getting him detailed to stay permanently on the place. Raines has also been taken up and it has been decided he is subject to duty.

I have learned this morning that some 400 beeves will be distributed by the C. S. Gov. on Monday and I will be on hand and get some for you if possible. There is no chance of getting any beeves from Texas save by special order from Govt., and that will be hard to get from all that I can learn—

Expecting to hear from you by the first chance I remain,

Yours truly,

J. H. RANSDELL.



ISTROUMA

By WILLIAM A. READ

AS APPLIED to a suburb of Baton Rouge, the name *Istrouma* was first used by Mr. Robert A. Hart, of Baton Rouge, on February 29, 1916; but as the source of the name of the capital of Louisiana, *Istrouma* is more than two centuries old. At the beginning of the year 1700 Pénicaut interprets *Istrouma* in a passage which, translated literally from Margry's version of Pénicaut's *Relation*, reads as follows:

From there Bayou Manchac we went up five leagues higher, where we found very high banks, which in this country are called "bluffs" (*Ecores*) and in the savage tongue *Istrouma*, which signifies "Baton Rouge," because there is at this place a post painted red, which the savages had erected to mark the boundary of the lands of two nations—namely, the Bayogoulas, whence we had come, and another thirty leagues above Baton Rouge called the *Oumas* [*Houmas*]¹.

The red pole mentioned by Pénicaut was too conspicuous a landmark to escape the attention of the leader of the expedition up the Mississippi river. Iberville says:

On the 17th [of March, 1699] we proceeded to a little river, on the right of the river [the Mississippi], five leagues and a half from our camp, where they informed us that there was a great quantity of fish: I had the nets set but caught only two catfish. The little river separates the hunting grounds of the Bayogoulas from those of the *Oumas*. On its bank are many cabins covered with palmettos and a maypole without branches, reddened, with several heads of fish and of bears attached as a sacrifice².

Bearing the same date as Iberville's statement, yet another reference to a pole is found in the *Journal de la Frégate le Marin*. The entry in the *Journal* runs as follows:

Towards three o'clock in the afternoon we landed near a river, which is like a lake, where the savages informed us there were many fish; we found there several cabins covered with palmettos [*lanières*: read *lataniers*],

¹Pierre Margry, *Mémoires et Documents Originaux*, V, 395.

²Margry, IV, 173.

constructed by the Houmas, who come here to hunt and fish. They had even erected there a pole (*bois*), thirty feet high, on which there were some fishbones (*arestes de poisson*).³

Although the three authorities just cited observed some kind of pole on their trip up the Mississippi, Pénicaut alone records the Indian name *Istrouma*, and he alone explains the origin of the name *Baton Rouge*. None of his contemporaries, so far as I know, was familiar with the name *Istrouma*; but in 1719 La Harpe, using the plural *Bastons Rouges*, attributes the origin of this French term to the fact that several posts, painted red and erected at Baton Rouge, marked the boundary between the hunting grounds of the Tonicas [Tunicas] and those of the Oumas.⁴

The variation between La Harpe's interpretation of Baton Rouge and Pénicaut's is of little consequence; nor does Charlevoix, who says that he attended mass on January 1, 1722, at a place called *Baton Rouge*, throw any light on the source of this name.* It remained for Du Pratz, a resident in Louisiana from 1718 to 1734, to account for the name in a manner sharply at variance with every other version. In his interesting *Histoire de la Louisiane*, published in 1758, he gives the following explanation of the name:

Baton Rouge is also to the east of the river, and is twenty-six leagues from New Orleans; it was formerly Mr. D'Artaguette d'Iron's concession. There one may see the famous cypress out of which a boat builder wished to make two pirogues, the one of sixteen tons and the other of fourteen. As the cypress is a red wood, one of the first explorers took it into his head to say that this tree would make a beautiful baton; hence it was called *Baton Rouge*: its height has not yet been measured; it is lost to view.⁵

Elsewhere in the *Histoire Du Pratz* dwells on the remarkable circumference of the cypress tree and its extraordinary height.* That he actually saw a large cypress at Baton Rouge, and that he reports what he had heard about the origin of the name, may readily be believed. By 1758, the year that saw the publication of the *Histoire de la Louisiane*, or even before that time, the folk etymologist, always busily engaged in seeking the origin of

³Margry, IV, 263.

⁴Margry, VI, 245.

⁵*Histoire*, III, 436.

⁶*Histoire*, II, 267.

⁷*Histoire*, II, 31; cf. also II, 33-34.

strange words and phrases, had doubtless concocted what he considered an admirable explanation of the obscure name *Baton Rouge*. Meanwhile Pénicaut's manuscript, which gives the real source of the name, rested, forgotten or unknown, in the archives of the government at Paris.

Pénicaut was fond of commenting on the origin of place-names; so, too, was Du Pratz; and both are valuable authorities. But Pénicaut had the advantage of residing in Louisiana for nineteen years before Du Pratz sailed for the New World. Pénicaut was in Louisiana from 1699 till the fall of 1721; Du Pratz, from 1718 to 1734. When Pénicaut, therefore, is at variance with Du Pratz concerning the origin of a name, the former is as a rule more likely to be correct than the latter. Thus Pénicaut ascribes the origin of *l'Isle à Corne* to the fact that a Frenchman had lost his powder horn on Horn Island;⁷ whereas Du Pratz associates the name doubtfully either with the narrow point of the island on the west, or with the large number of cattle kept on the island by the first Canadian settlers.⁸ If Du Pratz had ever heard the story of the lost powder horn, he would hardly have guessed at the origin of *Horn Island*; and if he had known the Indian name *Istrouma*, he would have been slow to accept the legend of the cypress tree as a trustworthy explanation of *Baton Rouge*.

The historical facts that I have presented in the foregoing paragraphs are generally well known; and most of them are turned to account by Dr. William O. Scroggs in his excellent paper on the origin of the name *Baton Rouge*.⁹ In this paper Dr. Scroggs, accepting the Pénicaut account of the origin of *Baton Rouge*, takes *Istrouma* to be a corruption of Choctaw *iti ouma*, "red pole," and fixes the location of the pole in the vicinity of a body of water now contiguous to the old campus of Louisiana State University and designated as *University Lake*. Dr. Scroggs suggests, however, that an inspection of the manuscript of the *Relation* would show whether Pénicaut wrote *Istrouma* or *iti ouma*.

Such an inspection was recently made by Dr. Milledge L. Bonham, who asserts that Pénicaut's manuscript records the form *Istrouma*, and that Dr. Scroggs must therefore be wrong in deriving the word from Choctaw *iti ouma*. Here it will be fitting

⁷Margry, V, 383.

⁸Histoire, I, 42.

⁹See *Proceedings of the Historical Society of East and West Baton Rouge*, I (August, 1917), 20-24.

to quote two significant paragraphs from a letter of Dr. Bonham's, which was published in the Baton Rouge *State-Times* for April 10, 1930, p. 10-B. They run as follows:

On pages 34-35 of the "Relation," Pénicaut says that about five leagues above Manchac "Nous trouvames des bords fort eleves que l on appelle en ce pais des Ecots et en Sauvage ISTROUMA (capitals mine) que signifie baton rouge parce quil y en a encet endroit un poteau rougis que Les Sauvages avoient plante pour marquer la separation des terres dedeux nations, scavoir celle des Bayougoulas dou nous sortons, et d'une eloigne du baton rouge detrente Lieues plus haut nommes Les Oumas." The word I have quoted in capitals was plainly "Istrouma," but wishing to confirm my own opinion, I showed it to my friends, Prof. F. L. Nussbaum, of the University of Wyoming, and to a lovely old French priest, sitting next him. Both of them said "Istrouma"—so Dr. Scroggs' "iti ouma" loses.

Fortunately, this kindly priest is an expert in French philology, and could explain various items to me—for example, the old spelling of scavior for "savior." Likewise, he showed that the word "escots" was one form of the "Old French" word *ecot*, "escot," or "acot," which evolved into the modern "ecot." Like its medieval predecessor, "ecot," has several meanings, including that of "stump of a tree." One of the medieval meanings called it a technical term of the clockmaker's craft, signifying "the shaft of a wheel, made like the stalk of a cabbage" ("baton de rouet fait en maniere de trove du chou"). Whether he ever thought of it as a "baton de rouet," Pénicaut evidently considered "escots" as a stump of a tree, or he would not have compared it to the "reddened post" (poteau rougis) which divided the territories of Bayougoulas and Houmas. Yet said quickly, "baton de rouet" and "baton rouge" have an obvious similarity.

Dr. Bonham observes that he has reproduced "the original grammar, spelling, capitals, linking of words, and accents—or lack of them"—of the Pénicaut manuscript. I, too, have tried to follow the newspaper version, though it is responsible, I daresay, for the inaccurate spelling of Pénicaut's name and for the meaningless *trove du chou* instead of the correct *tronc de chou*. In my comments, however, on the word *Ecots* or *escots*, I will use the Old-French form *escots*—in the singular, *escot*.

Students of geographical nomenclature will doubtless be grateful to Dr. Bonham for enlightening their curiosity about the

exact Indian equivalent of the famous name *Baton Rouge*; but few of them will accept his view that the reading *Istrouma* eliminates Dr. Scroggs's interpretation of *Istrouma* and *Baton Rouge*. An examination, on the contrary, of Dr. Bonham's two paragraphs reveals a curious error, which not only establishes the futility of his suggestion of *Baton de rouet* as a possible clue to the analysis of *Baton Rouge*, but also directs our attention anew to the Pénicaut text in Margry's *Mémoires*, V, 395, as the unique and authoritative reference to the Indian name *Istrouma*.

The error that I have in mind consists in the use of the variant *escot*, "stumps," for *écores*, "bluffs," a variant which becomes unintelligible when studied in relation to the topography of *Baton Rouge*, the history of *écore*, and the exact purport of Pénicaut's comment on *Istrouma*. The high ground at *Baton Rouge* and the enduring popularity of *écore*, "bluff," in Louisiana-French alike confirm the accuracy of Margry's reading *Écores*.

Écore, or its earlier form *escore*, was a popular term with the French explorers of the New World. Thus Joutel refers in 1687 to *des escores fort hauts* of a certain stream;¹⁰ Pénicaut mentions two places, the one called *Ecores à Prudhomme*, the other *l'Écore de la Croix*;¹¹ and Diron d'Artaguette's census of Louisiana for 1721 contains a reference to "les ecores blancs de la Pointe Coupee,"¹² a phrase which is changed on Ross's well-known map, drawn in 1765, to "the milk Cliffs [Cliffs] of Pointe Coupee, 20 Feet High." Ross also very properly describes "Baton Rouge or the Red Staff" as "the beginning of the Cliff going up." Again, Du Pratz speaks of landing at the foot of a bluff (*Ecore*) 200 feet high, on top of which had been built Fort Rosalie in the country of the Natchez; he was also an observer of the "Grands écores des Natchez."¹³ Finally, Lahontan takes pains to define *écores* as "les bords d'un Banc, lesquels sont escarpez comme une muraille."¹⁴

What is now highly significant is the fact that the French of Louisiana still use *écore*: *Grand Écore* is the name of an old settlement in Natchitoches parish. For the shore of a river they use *bord* or sometimes *côte*, though the latter in its obsolete form *coste* is the source of English *coast*. Compare Canadian-French *côte*, as in *Côte du Nord*, a phrase which in Standard French

¹⁰Margry, III, 387.

¹¹Margry, V, 405 and 498, respectively.

¹²Publications of the Louisiana Historical Society, V (1917), 95.

¹³Histoire, I, 124; II, 222, respectively.

¹⁴Nouveaux Voyages, I (1728), 403.

would become *la rive nord (du fleuve Saint-Laurent)*. Certainly, French Canadians contributed to the spread of *écore* throughout the Lower Mississippi Valley; for they, too, are familiar with *écore*, not only in the sense of "bluff," but also as an adjective in the sense of "steep."

Perhaps I have said enough to prove that *escots* should be replaced by *écores* in the Pénicaut manuscript examined by Dr. Bonham. Further evidence in favor of *écores* is furnished by Pénicaut himself, who, according to Margry's edition, uses not *escots* but *écores* in the famous passage on *Istrouma* and *Baton Rouge*. What Pénicaut means in this passage, which I have already translated in full, is perfectly clear. He does not compare *escots*, "stumps," as Dr. Bonham thinks, or any other French word to a reddened post; Pénicaut, on the contrary, carefully distinguishes *Écores*, the term for very high banks (*des bords fort élevés*), from *Istrouma*, an Indian term signifying not the same thing as *Écores* but something quite different—as he expressly declares, "Red Pole." He places, let me repeat, the Louisiana-French term *Écores*, "bluffs," in direct contrast with the Indian term *Istrouma*, "Red Pole."

The confusion between *escots* and *écores* is readily explained when one recalls that in Pénicaut's time the *s* before *c* in *escots* was silent. Modern French has *écots*. Hence *e(s)cots* and *écores* must have sounded very much alike.

French *écore*, which has been altered to *accore*, was formerly spelled *escore*; and *escore* is derived from Middle-Dutch *schore*, "ledge," "face of a cliff." But neither *écore* nor the later *accore* has ever signified *shore* in the sense of land bordering on water. Standard French *accore* (*écore*) has three meanings: (1) "Steep slope of a reef or bank;" (2) "steep," from Dutch *schor*, as in *côte accore*, "steep coast;" (3) "shore," a naval term for a piece of timber set obliquely against the side of a ship in dock; a "prop"; a "stanchion."

Before considering Pénicaut's translation of *Istrouma*, I deem it advisable to glance at the extent of his knowledge of Indian dialects, with a view to estimating the accuracy of his interpretation of Indian names. Fortunately, he has left several brief remarks on his linguistic attainments during his residence in Louisiana. He observes, for example, in 1706 that he understood and spoke well the Colapissa and Natchitoches languages.¹⁵

¹⁵Margry, V, 462.

In another part of his narrative he makes a decidedly broader claim, asserting that within a period of five years he had learned quite well the Indian dialects and acquired a mastery in particular of the important Mobilian language, which was understood by all the nations.¹⁶

Pénicaut's familiarity with Colapissa and Mobilian need not be called in question. He certainly had some knowledge, too, of the Natchitoches dialect; for he spent the greater part of 1706 as the guest of a Natchitoches chief, whose two daughters he taught to speak French.¹⁷ The Colapissa was closely akin to Choctaw; and the Mobilian, though enriched by loans from other dialects, was based chiefly on Choctaw. The Mobilian, as Pénicaut himself declares, was understood by all nations; it furnished a medium of communication for all the tribes of the Lower Mississippi Valley as well as for the white traders in that region. By the French it was called *Mobilienne*, after Mobile, the great trading center of the early colonial period; by other white men, the "Chickasaw Trade Jargon," because of the close resemblance between the Chickasaw and the Choctaw vocabulary. Nor must one forget that Pénicaut spent some time, during the year 1704, among the Natchez, a tribe of whom he has written a lengthy description.¹⁸ Eventually, indeed, Pénicaut was better versed in Indian dialects than any other Frenchman of his time; for he spent twenty-two years in Louisiana not only as a carpenter but also as an interpreter of these dialects.¹⁹

Nevertheless, Pénicaut is naturally not always successful in clearing up the perplexities of Indian place-names. Thus he, like Du Pratz, passes over some names without comment. Again, Pénicaut records a form with sufficient fidelity, but fails to give the exact signification; or he alters the form, but translates it correctly; or yet again, he just misses both the correct form and a literal translation. He is silent, for instance, on the meaning of *Choupicatcha* and *Soupnatcha*, though the former is clearly intended for Choctaw *shupik hàcha*, "Choupine river," and the latter is a corruption of Choctaw *isuba in hàcha*, "Horse (its) river."²⁰ He says, to take another example, that *Manchac* signifies "strait," though it seems to be connected with Choctaw or Mobilian *imashaka*, "rear." Again, he writes both *Tulcascha* and

¹⁶Margry, V. 442.

¹⁷Margry, V. 464, 469-470.

¹⁸Margry, V. 441-456.

¹⁹Margry, V. 584.

²⁰Margry, V. 385; *ibid.*, V. 442, respectively.

Talcatcha for Choctaw *tàli hàcha*, a designation of Pearl river, but translates the name accurately by "Rock river."²¹ In French's version of the Pénicaut narrative this name appears as *Taleatcha*, a form nearer the Choctaw; but the translation "River of pearls" betrays a confusion of Choctaw *tàli*, "rock," with *tàli holitompa*, "pearl."²² Pénicaut corrupts, in the next place, Mobilian *Tasànnuk ougoula*, "Flint people," to *Toux Enongogoula*, but comes close to the meaning of the term with his "People of the Rocks."²³ Once more, he renders *Tandgepao* [Tangipahoa] by "White corn," whereas the name probably signifies "corncob" or "corn-cob gatherers."²⁴ Finally, he translates *Castimbayouque* by *lieu d'espaces*,²⁵ "place of spaces," a phrase which is beyond question a scribe's or a printer's error for *lieu des puces*, "place of the fleas"; because *Castimbayouque* is unmistakably the equivalent of Choctaw or Mobilian *kàshti bayuk*, "Flea Bayou." *Castimbayouque* is now known as Castine bayou, in St. Tammany parish; and the Choctaws say that the stream owes its name to the fact that large numbers of fleas were encountered on its banks.²⁶ A similar name was formerly borne by a Choctaw village in what is now Neshoba county, Mississippi. Régis du Roullet, in the account of his journey made in 1732 from Mobile to the Choctaws, calls this village *Cartacha* and gives its meaning as "Where there are fleas."²⁷ *Cartacha* is corrupted from Choctaw *kàshti asha*, "fleas are there."

In B. F. French's version of Pénicaut's narrative the name of the little bayou in St. Tammany parish is given as *Castein bayou* and is translated as "the place of the passes."²⁸ Perhaps the manuscript used by French records the meaning of the name as "lieu des pas"; but whether this be true or not, French's version is quite as misleading as Margry's.

The foregoing details, tedious as they may be, suffice to show the necessity of extreme caution on the part of one who tries to interpret Pénicaut's translation and spelling of an Indian name.

Let us take up at last the etymology of *Istrouma*. Pénicaut says that this name signifies *Baston rouge*. Now it is a marked

²¹Margry, V, 387; cf. V, 459.

²²*Historical Collections*, N. S., I, (1869), 47.

²³Margry, V, 497. French has *Tassenocogoula*, *Hist. Coll.*, N. S., I (1869), 116.

²⁴Margry V, 387.

²⁵Margry V, 387; cf. *Castimbayouque*, *ibid.*, V, 459.

²⁶David I. Bushnell, Jr., "The Choctaw of Bayou Lacomb, Louisiana," *Bureau of American Ethnology, Bulletin XLVIII* (1909), 2, 7.

²⁷*Mississippi Provincial Archives*, I (1927), 42, 152.

²⁸*Hist. Coll.*, N. S., I (1869), 47.

characteristic of Choctaw that the adjective invariably follows the noun; hence there can be no doubt that Pénicaut's *rouge* is the correct translation of the second element of the name—that is, *ouma*, which is a common French spelling of Choctaw *humma* or *homma*, "red." This adjective is found in a large number of Choctaw names, such as *Oklahomma*, "Red people," *Bok humma*, "Red bayou," *Chula homma*, "Red fox," *Oka humma*, "Red river," *Shakchi humma*, "Red crawfish," and many others. With the French disregard of the *h* in *humma* one may compare a similar loss of *h* in such French forms as *Oumas*, *Chappeeela*, *Atchafalaya*, *Chinchubà*, and *Tchefuncta*, each of which begins with *h* in its Choctaw source. For that matter, Choctaw could drop the *h* in rapid speech, and thus convert *iti humma* into *iti umma*. Choctaw *isakshup*, for instance, is a contraction of *isi hakshup*, "deerskin," and *oscoba*, "small cane," is derived from *oski holba*, "canelike."

Nevertheless, I will take the precaution to note here the remarkable difference between Choctaw *humma* and the word for "red" in various dialects alien to Choctaw. Caddo *hatehno*, Tunica *mili*, Chitimacha *pini*, Atakapa *Kûts*, Biloxi *cti*—none of these adjectives bears any resemblance to *humma* or *homma*. The conclusion is inevitable that Choctaw *humma*—and the Móbilian adjective is the same—is the source of *rouge* in Pénicaut's translation of *Istrouma*.

But if the second element of *Istrouma* comes from Choctaw, then the first element must also come from Choctaw. Of all the Indian place-names in Louisiana not one is composed, so far as I know, of elements from two different dialects. Such a linguistic compound would be unthinkable. Here, however, a difficulty at once presents itself. Choctaw has no *r*, a sound generally replaced in this dialect by *l*, as in *Miliki* for *American*. Nor does Choctaw tolerate the group *st* except in a few loanwords like *mastat* from English *mustard* and *Kilaist* from *Christ*, or in several native words, such as *yustimmi*, "dizzy," *yusttololi*, "short," and *latastua*, "flat." The first two, however, of the last three words have *sht* more frequently than *st*, and *latastua* is less common than *patassa*, "flat."

Is a Choctaw source, then, absolutely excluded for the first element in *Istrouma*? I do not think so. Let it be recalled, in the next place, that Pénicaut speaks not only of a "red pole," but also of a post "painted red." In these two slightly different expressions is to be found in all probability the clue to the origin of the first

part of *Istrouma*. For if Pénicaut was familiar with Choctaw *iti humma*, "red pole," he must also have been familiar with *isht hummàchi*, the Choctaw term for the red dye with which the pole was stained. The Southern tribes are known to have been passionately fond of red dye or red paint, preparing the former from ocher or from certain plants and trees and the latter from the bark of various kinds of oak. With this dye or paint they colored their faces as well as their mourning poles. It was especially the women who loved to paint their faces with vermillion obtained from the French traders. The Choctaw for "vermilion" is *tishi humma*.²⁹

Now Pénicaut must have heard the term *isht hummàchi*—and heard it, too, in connection with *iti humma*. But when he made his memorable reference to *Istrouma*, he had been in Louisiana not longer than approximately a year. He arrived in Louisiana, to be exact, on January 6, 1699,³⁰ and he mentioned *Istrouma* a short time after the beginning of the next year. Surrounded as he was by a Babel of dialects, and dependent almost wholly on his ear for the acquisition of the Indian vocabularies, he could scarcely help confusing two expressions so closely akin as *iti humma* and *isht hummàchi*. Joutel had complained in 1687 of the multiplicity of the Indian dialects and of the difficulty of acquiring them.³¹ Even Pénicaut was impressed by the throaty articulation of the Indian girls whom he was instructing in French.³²

Here, then, is an obvious clue to the first element of *Istrouma*: Pénicaut simply confused *iti humma*, "red pole," with *isht hummàchi*, "red dye," and formed *Istrouma* by blending *isht* with *humma*. He was the more liable to this mistake because *humma* can be used as a past participle in the same way as *hummàchi*, "reddened."

The word *isht*, which I believe to be most probably disguised in *Istrouma*, is one of the most remarkable in the Choctaw language, forming more than two hundred and fifty compounds, among which verbal nouns like *isht hokli*, "a trap," and *isht hummàchi*, "red dye," are of particular interest.

The *r*-sound in *Istrouma* remains unexplained. Pénicaut certainly did not hear an *r* in any dialect from which he could have

²⁹Cf. Du Pratz, *Histoire*, II, 44-45, 63, 66; Dumont, *Mémoires Historiques*, (1753), pp. 133-134, 155; Bushnell, *Bur. Amer. Ethnol.*, XLVIII (1909).

³⁰Cf. Margry, V, 376.

³¹Margry, III, 291.

³²Margry, V, 470.

adopted *Istrouma*. Tunica, indeed, has an *r*; but in this dialect the word for "tree" or "pole" is *rixku*—in which *x* is like "ch" in German *ich*—and that for "red" is *mili*. The parasitic *r* in *Istrouma* arose, I suggest, by analogy of the twofold pronunciation of final *re* in French. Thus *r* is ordinarily silent before a consonant, as in *une aut(re) chose*, but is pronounced before a vowel, as in *un autr(e) enfant*. Having in mind the novel compound *Isht umma*, Pénicaut replaced the difficult *sht* of the first element by the familiar *str*, the *r* of which he linked with the initial vowel of *umma* exactly as he would have linked the *r* in *nostr(e) ami* and similar combinations. In like fashion a parasitic analogous *r* appeared in French *topinambour* and *velours* at a time when final consonants which had been falling silent showed a tendency to be restored in pronunciation. Even in cultivated English an intrusive *r* is sometimes heard in such a phrase as "the idear of," under the influence of a doublet like *fa(r) north—far away*. See Otto Jespersen, *A Modern English Grammar*, I, 370-371.

Choctaw *kàshti bayuk*, on the other hand, presents a problem different from that of *Istrouma*; for Pénicaut, by substituting *Castim* for *kàshti*, could easily retain a nasal vowel as the connecting link between the first word and the initial consonant of the second part of the compound. That he knew *bayouque* as an independent term is evident from his definition of it in another part of his work. The savages call a sleeping water *bayouque*, he says.²²

It is high time to summarize these lengthy comments on *Istrouma*. This name, the original Indian designation of Baton Rouge, seems to result partly from analogy of the twofold pronunciation of final *-re* in French, and partly from a blend of Choctaw *iti humma*, "red pole," with Choctaw *isht hummachi*, "red dye"—just as French *meugler* has arisen from *mugir* + *beugler*, or English *good-bye* from *good night*, *good morning* + *Godbye* (*God be with ye*). The pronunciation of *Istrouma* would be *i str oo mə* in Webster's symbols.

Such I take to be a reasonable explanation of the discrepancy between *Istrouma* and *iti humma*. The sole alternative is to accept Dr. Scroggs's view that *Istrouma* is a direct corruption of the Choctaw term. Perhaps Pénicaut or some scribe altered the Choctaw *iti humma* to *Istrouma* under the influence of such words as *nostre*, *estre*, *estroit*, in which *str* was a familiar combination

²²Margry, V, 385.

in Pénicaut's time. Here, it is true, the *s* was silent; but this sound was heard in *astre*, *studieux*, *résister*, and other loanwords. The alteration of *iti* to *Istr* would be comparable to that of Indian *piakimin*, "persimmon," to French *plaquemine*, the novel Indian syllables giving way in each case to a group of consonants more familiar to the French ear and eye. Then, too, even the Margry edition of Pénicaut is said on high authority to be inaccurate in its chronology and open to suspicion in other respects.³⁴ I have already pointed out the palpable blunder in the Margry text of Pénicaut's remarks on *Castimbayouque*. Yet it is largely Pénicaut's spelling of this very name that makes me hesitate to concur in Dr. Scroggs's solution of the difficulty presented by the element *Istr-*. For Pénicaut's *-st-* in *Castimbayouque* undoubtedly reflects, as has been shown, the *-sht-* of Choctaw *Kàshti*. I conclude that the *-st-* in *Istrouma* likewise reflects, with a high degree of probability, the *-sht-* of Choctaw *isht*.

Thus ends the story of *Istrouma*, the Indian name of the bluffs on which the present city of Baton Rouge, with a population of 31,465, is situated. Mentioned first by Pénicaut in 1700, *Istrouma* was declared by him to be the Indian equivalent of *Baton Rouge*, a term that referred to a red post or pole erected as a boundary mark between the hunting grounds of two Indian tribes. Time passed; and no other clue to the source of *Baton Rouge* appeared until 1758. In that year the French writer and explorer, Le Page du Pratz, manifestly ignorant of Pénicaut's statement, explained the origin of the name with the assertion that an early traveler applied the fanciful designation *Baton Rouge* to a red cypress tree which was growing on the present site of the city of Baton Rouge. Pierre Margry's publication of Pénicaut's manuscript, together with the growth of the city of Baton Rouge, aroused the interest of modern scholars in the meaning of *Istrouma*; and in 1917 Dr. William O. Scroggs analyzed *Istrouma* as a corruption of Choctaw *iti ouma* [humma], "red pole," and fixed the location of this pole, an ancient boundary mark, near the present site of University lake, on the northern edge of Baton Rouge. Dr. Scroggs's view apparently remained unchallenged until the appearance, in 1930, of an article by Dr. Milledge L. Bonham, who pointed out that as Pénicaut's manuscript unquestionably contains the form *Istrouma*, the derivation of *Istrouma* from Choctaw *iti ouma* [humma] must

³⁴John R. Swanton, *Bur. of Amer. Ethnol., Bull. XLIII* (1911), 4.

therefore be rejected. The present writer, on the contrary, accepts Pénicaut's version of the origin of *Istrouma*, and has tried to show that this name probably arose in part through confusion of Choctaw *iti humma*, "red pole," with Choctaw *isht hummàchi*, "red dye," and in part through the influence of the dual pronunciation of final *-re* in French.

* * * * *

NOTE ON THE ORIGIN OF NATCHEZ

BY THE EDITOR OF THE QUARTERLY

The late Albert S. Gatschet, a noted authority on Indian dialects, wrote to Mr. H. L. Favrot, of New Orleans, on January 15, 1894, the following comment on the difficult name *Natchez*:

In my "Migration Legend of the Creek Indians," Vol. I, I gave an explanation of the name of Natchez, which the Natchez themselves pronounce Na'htchi, as I have myself ascertained in 1885. I gave up that etymology and think that possibly it is a Caddo word, for West shore of Mississippi River, must have been in the hands of the Caddos in early times.

Compare Na'htcha *forest wood*, da'htcha'hi *timber* in Caddo, and eda'ktcha *forest*, in the cognate dialect of Ta'tassi. Hence "timber land," if correctly guessed.



SHIP LISTS OF PASSENGERS LEAVING FRANCE FOR LOUISIANA, 1718-1724

FIRST INSTALLMENT

Transcribed from the copies of the originals obtained in France for the Louisiana Historical Society, now in its library in the Cabildo in New Orleans in a bound volume entitled "Louisiane. Passagers. 1718-1724."

Translated by Albert Laplace Dart of New Orleans

INTRODUCTION BY THE EDITOR OF THE QUARTERLY

This publication which we begin here of the lists of persons sent out from France to Louisiana during the years 1718-1724, is a valuable addition to our knowledge of the first great immigration to the Colony. This remarkable incident has never received careful study. It is shrouded in misunderstandings as to the nature of the movement, the character of the immigrants and the beneficial results to Louisiana. Little or no helpful data has been printed, and this list will prove helpful and almost essential to the study of the subject.

It will be remembered that this movement of population was fostered by the Company of the West, to whom a monopoly of Louisiana had been granted by the King of France in 1717. By subsequent mergers, the corporate title became the Company of the Indies. This corporation established Louisiana on a firm basis. The founding of New Orleans (1718-1724) was one of the great events of that rule, and the "Ship Lists" cover that period.

Several men named in this first ship load were destined to make history in Louisiana. Among them were the Sieur de Baulne, who came to serve as Procureur General of the Colony. He was a Councillor of the Parliament of Paris and a good lawyer. While the office of Procureur General had existed since 1712, de Baulne was the first French advocate to fill the post. He received a concession (land grant) near New Orleans and cultivated this plantation and is listed in the Census of 1721 (La. Hist. Qy. 13-199-229, April, 1930).

Another ancient name here appears for the first time in Louisiana, Sr. Dubreuil, who came to occupy a plantation (concession) and either he or one of his descendants was in later years known as the richest man in the Colony and the first or

among the first to cultivate sugar cane. Our French Colonial records many years later include the settlement of his estate, one of the greatest of that era.—H. P. D.

I.

THE SHIP *THE COUNT DE TOULOUSE*

1718

Rolle des Passagers embarquez sur le vaisseau le Comte de Toulouze commandé par Monsieur le Chevalier de Grieu pour aller à la Louisianne.

(List of the Passengers embarked on the vessel "The Count of Toulouse" commanded by Monsieur le Chevalier de Grieu to go to Louisiana.)

Sçavoir (Namely)

1. Monsieur Larsebault, Directeur General de la Compagnie (Director General of the Company)
2. Les Srs Gordon, Capitane de l'Infanterie (Captain of Infantry)
3. " " Simon, Commis de la compie. (Clerk of Company)
4. " " Ferrarois, id "
5. " " Renaudière, id "
6. La femme du Sr Renaudière (The wife of Sieur Renaudière)
7. Le Sr Loustaud, Commis de la Compie. (Clerk of Company)

MINEURS (MINERS)

Le Sr Letoile, Brigadier (Commander)

" " Ollivier, Sous Brigadier (Lieutenant Commander)

La femme du Sr. Ollivier (The Wife of Sieur Ollivier)

Marc, Sergent (Sergeant)

La Plume, Caporal (Corporal)

Gerard Chevalier La Grandeur

Saint Jean Francoeur La Branche

La Sonde Va de bon coeur Lepine

Quatre femmes de mineurs Trois enfans de mineurs
(Four wives of miners) (Three children of miners)

Jean Ponletet, garçon servant les mineurs
(Serving boy to the miners)

Total 22 personnes (persons)

SOLDATS (SOLDIERS)

Saint Sauveur	Jean Rinaud	Pierre Ramée
Saint Julien	Saint Martin	Bellavoine
Balcon	Saint Martin	Yvon Troissard
Malo	Sa femme (his wife)	Du Plessix
Sociodon	La Pensée	La Farge
La Girardière	Ollivier Damiel	Jean Renoud
La femme du dit La Girardière	Saint Louis	Deslois
(The wife of said La Girardière)	Sa femme (his wife)	Pierre Nerisson
Jean Larragonois	Sa fille (his daugh- ter)	Jean Grandjean
Andre Beaudoin	Saint Jean	Deshamps
Blondelet Cadet	Sa femme (his wife)	Crosnier
Antoine Darnaud	Jean Simon	Jacques Moreau
Jacques Darnaud	La Fontaine	Joseph de St. Georges
Beaulieu	Edme Cheret	Augustine le Grand
Cagnerel	François Farcine	Jean Etienne Philipe
Joseph Guery	Laurens Manduis- son	Bernard Surge
Saint Martin	Jean François Le Crosnier	Pierre Chevenet
Nicolas Le Preaux	Total 53 personnes (persons)	Nicolas Gods
François Le Cros- nier	Domestiques de M. M. Larchebault et Gordon (Servants of M. M. Larchebault and Gordon)	Nicolas Locar
Amanville	Total 2 personnes (persons)	
Jacques Tanson		

OUVRIERS EN TABAC (WORKERS IN TOBACCO)

Mr. de Montplaisir, Inspecteur (Inspector)	Jean Du Michel	Jean Pourcharesse
Le Sr. Banjou, Conductor des ouvriers (Foreman of the work- men)	Pierre Chaudruc	Jacques La Rogue
Antoine Descarail	Pierre Andibert	Pierre Capdu
Pierre Ricard	Jean Fouillouse	Jean Fegas
Pierre Talu	Pierre Oisou	Pierre Laval
Bertrand Besse	Jean Guirand	Jean Brouquet
Pierre Gibert		
Abraham Sisac		
	Total 20 personnes (persons)	

**CONCESSIONAIRES DE LA SOCIETE DES SR. DE LAIR
(CONCESSIONAIRS OF THE COMPANY OF SR. DE LAIR)**

Le Sr. Dufour de Courcelles Tanns, brasseur (brewer)	Michel Du buc, serruier (lock- smith)
	Total 3 personnes (persons)

CONCESSION DE M. DE BAULNE
Procureur du Roi (King's Attorney for La.)
 (CONCESSION OF M. DE BAULNE)

Le Sr. de Baulne	Le S. Sigy, Commis (Clerk)
Madame de Baulne	Louis Bouvalet, cuisinier
M. le Chevalier Du Plessix	(cook)
Melle. Boiron	Jean Bouvalet
Le Sr. Boiron	Cristine Allard
Le S. Demony fils ainé (Jr. or eldest son)	Poires, arquebusier (musketeer)
Melle. Demony	Sonnis, tonnelier (cooper)
Le S. de la Verge	Sabureau, cordonnier (shoemaker)
Le S. Morel, Sécrétaire de M. de Baulne (Secretary of M. de Baulne)	
	Total 17 personnes (persons)

CONCESSION DE M. PELLERIN
 (CONCESSION OF M. PELLERIN)

Le S. Pellerin	Le femme du dit Bourbon
Me. Pellerin	(The wife of said Bourbon)
Son fils (his son)	Annette Guillet, servante
Pierre Guezo, son neveu (his nephew)	(Servant or domestic)
Noël Soileau, idem ("")	Marie, servante negresse libre
Louis Bourbon, dit Ossement (called Dead-Bones, Bonehead or Boney)	(Free negress servant-girl)
	Marguerite Argière, servante
	(Servant or domestic)
	Total 10 personnes (persons)

CONCESSION DES SRS. LANTHEAUME ET DUBREUIL
 (CONCESSION OF SRS. LANTHEAUME AND DUBREUIL)

Le Sr. Lantheaume	Jacob David, cordonnier de
Le Sr. Dubreuil	La Rochefoucault (shoemaker from La Rochefoucault)
Me. Dubreuil	Jacques Francois Moreau, menuzier de Paris (joiner from Paris)
Deux de leurs enfans (two of their children)	Romain David, tailleur de La Rochefoucault (Tailor from La Rochefoucault)
Marie Gomband, servante de la Rochelle (servant from La Rochelle)	Bernard Caudelon, laboureur de Tonzac (laborer from Tonzac)
Francoise, idem ("")	Pierre Lefebvre, idem, de Corbie pres Amiens (laborer of Corbie near Amiens)
Dauphin Cottive, charpentier de Paris (carpenter from Paris)	
Jacques Ravaux de Mezières, menuzier (joiner)	
Jacques Dioré, tonnelier de la Salle (cooper from la Salle)	

Francois Couronnay, idem, pres Lizieux (laborer near Lizieux)	Jacques de Gaule, idem, de Chaalons (laborer of Chalons)
	Jean Pinam, idem, pres Poitiers (laborer near Poitiers)
	Total 18 personnes (persons).

RÉCAPITULATION (RECAPITULATION)

Officers et Employés de la Compagnie d' Occident.....	7
(Officers and employees of the Company of the West)	
Miñeurs, leurs femmes et leurs enfans.....	22
(Miners, their wives and children)	
Soldats, leurs femmes et leurs enfans.....	53
(Soldiers, their wives and children)	
Domestiques de M. M. Gordon et Larsebault.....	2
(Servants or domestics of M. M. Gordon and Larsebault)	
Ouvriers en tabac (Tobacco-Workers).....	20
Concessionnaires de la Société	
(Concessionairs of the Company)	
de M. M. de Laire (of M. M. de Laire).....	3
Mr. de Baulne et ses gens (and his people).....	17
Mr. Pellerin et ses gens (and his people).....	10
M. M. Lantheaume et Dubreuil et leurs gens (and their people)	18
<hr/>	
Total des passagers (Total number of passengers).....	152

Il est permis au sus-dit Capitaine de passer dans son vaisseau le Comte de Toulouze les cent cinquante-deux personnes desnommés au présent estat, aux conditions qu'il observera les ordonnances du Roy.

Fait au bureau des Classes de la Marine à la Rochelle le quinzième Novembre mil sept cent dix huit.

HURLOT

Nota—Le Sieur Edmond Sauvage officer s'est embarqué sur ce vaisseau quoy qu'il ne soit point sur le présent rolle.

Et Tanns de la concession de Mr. Delaire a dézerté.

(It is permitted to the aforesaid Captain to pass in his vessel "The Count of Toulouse" the one hundred and fifty-two persons named on the present list, on condition that he will observe the ordinances of the King.

Done at the office of the Classes of the Marine at La Rochelle on November the fifteenth, seventeen hundred and eighteen.

HURLOT

Note—The Sieur Edmond Sauvage, officer, has embarked on this vessel, although he is not upon the present list.

— And Tanns, of the concession of Monsieur Delaire has deserted.)

(To be Continued)

DONELSON CAFFERY—A LOUISIANA DEMOCRAT OUT OF LINE*

By E. M. VIOLETTE, Louisiana State University

This paper is an amplification of a sketch which I prepared for the Dictionary of American Biography a short time ago. When the editor of the Dictionary assigned Donelson Caffery to me, I confess I knew absolutely nothing about him. Indeed I had never heard of him before. For that I may be pardoned, as I am not a native of Louisiana and have been in that state only a comparatively short time. Moreover American history is not my specialty. But the study I made in preparing my sketch revealed to me a man of outstanding character and one worthy to be remembered in the history of his state and the nation. The further investigation I have made in preparing this paper has confirmed me in my original opinion.¹

The dominant trait of the man throughout his entire career was his independence of thought and his fearlessness of action. That is best illustrated in his views and acts during his eight years in the United States senate, and for that reason this paper will be confined chiefly to that period of his life. But by way of introduction, a few words should be said about his previous career.

Donelson Caffery was born on his father's sugar plantation near Franklin, St. Mary Parish, Louisiana, on September 10, 1835. He prepared himself for the legal profession, but after completing his law course he engaged in sugar planting and was making a good start for himself in that business when the Civil War broke out. He did not favor secession, but when Louisiana withdrew from the Union, he answered the call of his state, and leaving his plantation in the hands of his overseer, he joined the Crescent Rifles in New Orleans in January, 1862. Shortly afterward he was transferred to the Thirteenth Louisiana regiment, and under that command he took part in the two days' battle of Shiloh. Later he was detailed to the staff of Brigadier General

*Read before the joint meeting of the Mississippi Valley Historical Association and the American Historical Association at Boston, December 31, 1930.

¹It has also enabled me to correct myself in one rather serious error which appeared in the sketch which I had prepared for the Dictionary of American Biography.

W. W. Walker and continued in that capacity until the close of the war.

After the war he resumed sugar planting and also began the practice of law in his home town of Franklin. He was very active in the movement to get rid of the carpet baggers in Louisiana, and with several others he was indicted for trying to drive out a certain Republican official, named J. Hale Sypher. All were acquitted, and tradition has it that it was Caffery's speech before the jury that won the verdict in their favor. He was elected to the State Constitutional Convention in 1879 and played a very active part in its deliberations and actions. The main question before the convention was the debt that had been incurred during the reconstruction period. The convention was inclined to repudiate the debt. But through speeches on the floor and through personal contact with the members, Caffery contributed much toward getting the debt ratified.

In 1892 he was elected to the Louisiana state senate and later in the same year he was appointed U. S. Senator by Governor Foster to fill out the unexpired term of Randall L. Gibson, who had just died. Two years later he was elected by the state legislature without opposition to succeed himself. He did not stand for re-election in 1900, for reasons that will be obvious as we proceed with our discussion. He therefore retired to private life in March, 1901 and resumed the practice of law, along with sugar planting, which he had maintained continuously since the Civil War.

Three major issues were before the American people during the eight years while Caffery was in the senate; the tariff, free silver and Spanish misrule in Cuba. Caffery's attitude to these matters constitutes the theme of this paper.

A strongly Republican congress passed a high protective tariff act, the McKinley Act, in 1890. At no time in our national history had there been so extensive an application of the protective principle as in this act. As a means of winning favor for it, particularly in the West, raw sugar was put on the free list, with a tariff of one-half cent per pound on refined sugar for the protection of the refineries; and as a means of protecting the sugar planters of Louisiana, a bounty of two cents a pound was granted on the production of raw sugar for a period of fifteen years, beginning on July 1, 1891. This bounty was in compensation for

the tariff of a like amount that had been levied on sugar prior to the act of 1890.³

The country immediately rebelled against the high protective McKinley Act, and in the fall election in 1890 the Democrats regained control of the lower house in congress, and in 1892 they also gained control of the senate by a narrow margin and elected Cleveland once more to the presidency. By their campaign pledges they were committed to a reduction of the tariff duties all along the line and also to the repeal of all bounties. They were particularly pledged to "a free breakfast table," which meant above all things free sugar.⁴

In keeping with their pledges, the Democratic house of representatives passed the Wilson tariff bill on February 1, 1894, by a decisive vote of 204 to 140. This bill brought about a material reduction in practically all duties, and what is of special importance to us in this study, it kept sugar on the free list, where it had been placed by the McKinley Act, and at the same time it repealed the bounty which that act had granted to the producers of raw sugar.⁴

Interest soon centered in the senate on the subject of sugar, and an embarrassing situation for the Democratic party quickly developed there. The narrow margin of that party in the senate made it imperative that there should be no breaks in the ranks, if their pledges were to be carried out. But breaks were inevitable. The Louisiana senators at once voiced their demands for a tariff on sugar. They had no liking for bounties. Indeed they stood squarely with their party in the opinion that bounties were pernicious in principle, and in the case of the sugar bounty, they looked upon its administration as very annoying to the sugar planters and much less satisfactory than a tariff would be. But the sugar industry demanded protection or it would be utterly destroyed, these Louisiana senators said, and they therefore insisted on a tariff in place of a bounty.

Of the two Louisiana senators, Donelson Caffery took the lead in presenting the case of the sugar planters. Up to the passage of the Wilson bill by the house, he had been the junior senator from Louisiana and had as yet not made much of an impression on that body, as he had been in office only a little over a year. But the appointment of Senator Edward Douglas White

³Taussig, *The Tariff History of the United States*, 275-283.

⁴Ibid., 284-286, *Louisiana Planter and Sugar Manufacturer*, Vol. XII, No. 18, 274.

⁴Congressional Record, 53 Cong., 2nd Sess., Vol. XXVI, Pt. 2, 1796. Taussig, 309.

of Louisiana to the U. S. Supreme Court within a few days after the Wilson bill reached the senate, gave Senator Caffery the rank of senior senator from Louisiana and the distinction that comes with that rank. Being a sugar planter and having not only his personal interests but those of his fellow sugar planters at heart, Caffery waged an aggressive campaign in the senate in favor of some form of protective tariff for raw sugar. He did not ask for a high protective tariff on sugar, but one that would keep the sugar industry from being crushed out, and that would at the same time yield considerable revenue to the U. S. treasury. He was able to point out that before the McKinley Act was passed the income derived from the sugar tariff was greater than that from any other single item.⁵

Through persistent efforts, Caffery and the newly appointed junior senator from Louisiana, Newton C. Blanchard, succeeded in getting the senate finance committee to report in favor of a forty per cent ad valorem duty on raw sugar and differential rates of one eighth and one tenth of a cent on the pound together with the payment of the bounty for the year 1894. The senate adopted the sugar schedule, while the senate finance committee reported, but struck out the provision for the payment of the bounty for 1894.⁶

Naturally there was a good deal of resentment among the Democratic senators over these concessions to the Louisiana senators. Senator Vest, one of the members of the senate finance committee, said that the concessions had been "forced at the point of the bayonet," and Senator Jones, another member of that committee, declared that in putting sugar back on the dutiable list they were doing nothing less than buying votes. But the Louisiana senators had to be held in line, and a tariff on sugar was the only way in which that could be done.⁷

In making a fight for a tariff on sugar, Caffery was fully aware of what the consequences would be on his party if he won out. He knew that to restore the tariff on sugar after the McKinley Act had repealed it, would react fearfully on the Democratic party. But it was a choice with him between loyalty to his party and loyalty to his state. He was not altogether indifferent to the situation. Indeed he was greatly distressed over the

⁵*Congressional Record*, 53 Cong., 2nd Sess., Vol. XXVI, Pt. 7, 7122-23; Pt. 8, 7741-44, 7823-27, 7847-50.

⁶*Ibid.*, 53 Cong., 2nd Sess., Vol. XXVI, Pt. 7, 7136.

⁷*Louisiana Planter and Sugar Manufacturer*, Vol. XII, No. 18, 274.

matter. He likened his predicament to that which confronted him at the opening of the Civil War. Here is what he said:

"Once in my life I had a fearful alternative presented to me. I was a quiet, peaceful citizen, pursuing my calling as a sugar planter in my native state. Suddenly the tocsin of war was sounded throughout the length and breadth of the land. I revered the Union and I honored its flag. But when my state called me to arms, I had to answer the call of the state of my nativity and the state of my love. I revere and love Democratic principles. They were born in me. What little study and reflection I have been able to give to political subjects has convinced me that the Democratic theory of government is correct and that the Democratic theory of tariff for revenue is correct. But when the alternative comes between the state of my love and the party to which I owe my political allegiance, I shall stand by my state."⁸

The outcome is well known. The senate passed the Wilson bill with over six hundred amendments, virtually making it a new bill. Most of the amendments provided for moderate, instead of excessive, reductions of the tariff. One of these amendments put sugar on the tariff list again. The bill went to conference but the conference measure failed in the senate. In the end the house of representatives adopted the bill as amended by the senate, and in his disgust President Cleveland allowed the bill to become law without his signature. Because of this ill-advised act, the Democratic party at once lost the confidence of the American people, and for that unfortunate outcome, the Louisiana senators must bear their share of responsibility.⁹

Senator Caffery next broke with his party on the free silver issue. There was without doubt an element of self interest in his refusal to stand with his party on the sugar question, but on the free silver issue he acted solely upon principle and dared to do what he thought was right, cost what it might. It was quite safe for him to get out of line with the Democratic party nationally on the sugar question, for he would still be secure with that party in his own state. But there was no powerful element among the Louisiana Democrats in favor of the gold standard, comparable to the sugar planters and bankers who supported him in his fight for a tariff on sugar, and when therefore he refused to line up with his party on the free silver issue, he wrecked all prospects

⁸*Congressional Record*, 53 Cong., 2nd Sess., Vol. XXVI, Pt. 8, 7743.

⁹Taussig, 289-90, 315-18.

for remaining in the senate or receiving any further political preferment in his own state. He knew at the time he was committing political suicide. But he made that his deliberate choice rather than surrender his personal convictions.

Caffery's position on the free silver issue was well known long before the Chicago convention of the Democratic party in July, 1896. It was made unmistakably clear in his first set speech in the senate on August 31, 1893, shortly after he had taken his seat in that body. This speech was on the bill to repeal a part of the act of 1890, directing the purchase of silver bullion and the issue of treasury notes thereon, and in it Caffery revealed his uncompromising attitude on the free silver issue. He was fully aware of what the political consequences might ultimately be for committing himself so definitely at that time. Among other things he said: "It may be that the star of my political life, just rising above the horizon, may be eclipsed in darkness by reason of my vote, but come what may, I shall stand fast to a deep conviction that I should be recreant to my duty and my oath should I add one pang to poverty or one tear to want; should I give the people a currency that would refuse to toil its recompense or to capital its reward."¹⁰ Rather grandiloquent language, it is true, but it reveals unmistakably the speaker's position on what came to be a very vital issue, and from that position he never departed.

At the time Caffery made that speech, the free silver question had not become a party issue. Men of each party differed very radically with each other over the matter. Under the circumstances it was not so hazardous a thing after all for a man to speak out his mind. Indeed Caffery was re-elected to the senate by the Louisiana legislature without opposition in 1894. His free silver views were as yet merely his personal views and ran counter to no party platform. But during the course of the two succeeding years, it became apparent that the Democratic party would commit itself in favor of free silver and the Republican party would go against it. It became therefore a matter of political expediency and discretion for men of both parties to trim their sails accordingly, if they wished to be found in line with the platforms that would be drawn up for the campaign of 1896. But Senator Caffery was no trimmer. Indeed he took a more decided stand than ever before as it became clearer and clearer that his party was going for free silver. This is seen in

¹⁰*Congressional Record*, 53 Cong., 1st Sess., Vol. XXV, Pt. 1, 1097-1101.

his speech in the senate on January 31, 1896, against the free silver bill introduced by the senate finance committee. This speech was somewhat better organized than the one delivered in 1893 and shows that during that interval he had obtained a better grasp on that subject.¹¹

By that time the Democratic party in Louisiana was rapidly falling into line in behalf of free silver, and in the course of a few more months it was wholly committed to that policy. As a consequence, only free silver men were named as delegates by the Louisiana State Convention in June, 1896, to the Democratic National Convention at Chicago.¹² That is only another way of saying that Senator Caffery was not in the Louisiana delegation.

It is interesting to note that there was no outcry against Senator Caffery at the state convention that named the delegates to the national convention. Nor was he condemned for his views and opinions on the currency question in the resolutions adopted by the convention. Apparently it was felt that until the national convention officially decided what the party's attitude would be, it was the privilege of any man to express himself as he felt. If he happened to come out on the wrong side of the fence, that was his own lookout.

After the Chicago Convention, Senator Caffery joined with other Gold Democrats in the organization of a new party. His part in that movement was rather conspicuous at first at least. He was made the permanent chairman of the Indianapolis Convention that nominated Palmer and Buckner in September, and was delegated to notify General Palmer formally of his nomination ten days later.

Each of these two honors that came to Caffery was the occasion for an address. The one before the Indianapolis Convention was on the order of the usual political harangue and contained many catch phrases calculated to hold the attention of the crowd. Some of these phrases were in denunciation of the old Democratic party for its apostasy. "The priests of the Democratic party have desecrated its altars, broken down its shrines and taught false doctrines to the people," the senator said. "The Chicago platform is a mere simulacrum, a form without the substance of Democracy, and no Democrat is bound

¹¹*Ibid.*, 54 Cong., 1st Sess., Vol. XXVIII, Pt. 2, 1148-59.

¹²*Times-Democrat* (New Orleans), June 16, 1896, pp. 1-2.

by it." "The Chicago platform is the Ishmael of platforms: It raises its hand against some of the principles of all parties and against all the principles of the Democratic party. It is begotten of the unhallowed union between Democracy, Populism and anarchy. And that the Scriptures might be fulfilled it will be a fugitive and a wanderer on the face of the earth." Other phrases towards the close were in justification of the course which the Gold Democrats had taken. "We are no traitors to our party. We are in the house of our fathers." "We are propagandists of no new creed. We are the upholders of the old. We appeal from Democracy drunk with delusion to Democracy sobered by reason." "We deem it wise to pursue an aggressive, rather than a negative policy. We prefer to make a funeral pyre of the cadaver of Populism and anarchy." "We sound a bugle call throughout the land, for the Democrats to rally to the support of government and law, for the honor of their country, and for the maintenance of its creed, its memories and its glories."¹³

The notification address was much more formal and thoughtful than the one before the Indianapolis Convention.¹⁴ It was on the same plane as his best speeches in the senate and was intended as an appeal to reason rather than to emotions. For that reason it was doubtless less widely known than the other.

The affiliation of Senator Caffery with the Gold Democratic party called forth at once some pretty bitter denunciations in Louisiana. Formal resolutions condemning him and calling for his resignation from the senate immediately were adopted in several mass meetings and conventions throughout the state, and individual speakers frequently voiced their hostility towards him.¹⁵ Apparently there was at first a rather widespread feeling of apprehension among the Louisiana Democrats as to what effect the Gold Democratic party might have on their political fortunes. Among other things it was feared that the Gold Democrats might ally themselves with the Republicans, and in that case the Free Silver Democrats might lose the state.¹⁶ Rallies and ratification meetings were held

¹³*Ibid.*, Sept. 3, 1896, p. 6.

¹⁴*Ibid.*, Sept. 13, 1896, p. 2.

¹⁵*Ibid.*, Sept. 6, 8, 10, 11, 12, 1896.

¹⁶In an "Address to the Voters," issued by the Gold-Democrats of Louisiana, (*Times-Democrat*, Sept. 23, 1896) there was an emphatic denial of any thought of fusing with the Louisiana Republicans. Later Senator Caffery repeated the denial in an interview published in the *Times-Democrat*, October 3, 1896.

therefore with greater frequency than usual throughout the state, and everything was done to hold the people in line for the old Democratic party.¹⁷ There was, however, no ground for any such apprehension. Even if the Gold Democrats had combined with the Republicans, they would not have affected the political situation. They held a few rallies in some of the more important centers of the state, usually with Caffery as the speaker. Palmer and Buckner addressed a gathering of respectable size at New Orleans.¹⁸ But the Gold Democrats were not numerous enough in Louisiana to make much of a showing at any time, and as the real situation became apparent, much of the bitterness that had manifested itself at first seemed to die down. Indeed the New Orleans *Times-Democrat*, in an editorial shortly before the election, congratulated the people of Louisiana on having gone through the campaign without any great amount of ill-feeling, such as had developed in many parts of the country.¹⁹ The outcome at the polls was far below expectations. Only 764 votes were cast in New Orleans for Palmer and Buckner, and not more than 1300 in the entire state.²⁰

In leaving this topic, we might say that in the effort to galvanize the Gold Democratic party into life again in 1900, a group of self delegated enthusiasts, who insisted upon putting a national ticket in the field, nominated Caffery for the presidency. But he realized the futility of carrying on the fight any further and hence declined the nomination.²¹ His declination marked the dying breath of the Gold Democratic party.

Concerning the third great issue before the American people while Caffery was in the senate, the Cuban question, only a few words need be said. This question was by no means a political one. It owed its origin to a growing popular demand that the United States should recognize the belligerency of the Cuban insurgents and assist them to gain their independence. Senator Caffery stoutly and persistently opposed both propositions, not only by speeches on the floor of the senate but also by voting against three joint resolutions bearing upon the

¹⁷Accounts of these rallies and ratifications in different parts of the state appeared in practically every issue of the New Orleans papers in the months of September and October, 1896.

¹⁸*Times-Democrat*, October 18, 1896.

¹⁹*Ibid.*, October 26, 1896.

²⁰*Ibid.*, November 6, 1896.

²¹Stanwood, *History of the Presidency*, II, 68-72. *Times-Democrat*, Sept. 7, 1900.

matter which Congress passed in three successive years, 1896, 1897, and 1898. The resolution of 1896 recognized the belligerency of Cuba and offered the friendly services of the American government to the Spanish government in securing for the Cubans their independence; the one of 1897, declared that public war existed between Cuba and Spain; and the one of 1898, recognized the independence of Cuba, demanded that Spain should relinquish her authority over Cuba, and directed the president to use all the power of the United States to enforce that demand; in other words, it declared war against Spain. In voting against these three resolutions, Senator Caffery put himself quite out of line with most of his Democratic colleagues in the senate, a fact which he frankly acknowledged in one of his speeches.²² A little tabulation will reveal that matter clearly.

The resolution of 1896 was carried in the senate by a vote of 64 to 6, 19 not voting. Three of the six negative votes were cast by Democrats; Caffery of Louisiana, Chilton of Texas, and George of Mississippi.²³

The resolution of 1897 was carried in the senate by a vote of 41 to 14, 33 not voting. Only two of the fourteen negative votes were cast by Democrats; Caffery of Louisiana and White of California.²⁴

The resolution of 1898 was carried in the senate by a vote of 67 to 21, one absent. Only two of the twenty-one negative votes were cast by Democrats; Caffery of Louisiana and White of California.²⁵

It is interesting to note that in voting "no" on the last of these resolutions, which declared war on Spain, Caffery found himself in very distinguished Republican company. Such men as Aldrich, Allison, Fairbanks, Hale, Hanna, Hoar, Platt of Connecticut, and Platt of New York, to mention no others, held similar views to those of Caffery and voted accordingly.²⁶

Senator Caffery's negative votes on these resolutions are not to be taken as indication of indifference on his part to the intolerable conditions that existed in Cuba. On the contrary, he was very much concerned. But he could not bring himself into agreement with the methods of procedure that the "war

²²*Congressional Record*, 55 Cong., 2 Sess., Vol. XXXI, Pt. 4, 3954.

²³*Ibid.*, 54 Cong., 1 Sess., Vol. XXIII, Pt. 3, 2257.

²⁴*Ibid.*, 55 Cong., 1 Sess., Vol. XXX, Pt. 2, 1186.

²⁵*Ibid.*, 55 Cong., 2 Sess., Vol. XXXI, Pt. 4, 3993.

²⁶*Ibid.*, 55 Cong., 2 Sess., Vol. XXXI, Pt. 4, 3993.

party" in the United States had been advocating for several years. He was unwilling to recognize the belligerency of the Cuban insurgents on two grounds, first, they had no organized government, not even the semblance of a temporary state, and had been carrying on their hostilities by guerilla warfare solely; second, they had been guilty of as great atrocities as the Spanish government had been. He was opposed to a recognition of the independence of the Cuban insurgents for the additional reason that they would then be enabled to float the bonds which they had issued and would afterward confiscate the property of the Spanish in Cuba to liquidate these bonds. He moreover held that the right to recognize the belligerency or the independence of any people was vested in the executive, and not in the legislative department of the government, and he alleged that every president from Grant to McKinley steadfastly had refused to recognize the belligerency of the Cubans for the same reasons that he had advanced. Being opposed to a recognition of the belligerency and the independence of the Cubans, he was therefore opposed to a declaration of war upon Spain, but he favored Congress authorizing the president to intervene with all the power of the United States between Spain and Cuba to the end that the war of extermination and devastation in Cuba should be terminated at once and a stable government should be established in Cuba. He realized that intervention would likely lead to war with Spain, but in that case, the United States would enter the conflict in accordance with international law and with clean hands.²⁷

From what has been said about Senator Caffery's position on the three great issues that arose during his terms in the senate, it is quite evident that he was no politician in the ordinary sense of that term. He did nothing to curry popular favor, and was bound by no obligations to any person or to any faction. He made clear his position on this matter shortly after entering the Senate. "I am entirely independent in any view I may take upon any question which is presented before this body. I act according to my own judgment and according to the best lights before me," he said on July 24, 1894, in the debate that was going on in the senate over the question as to whether the bounty on sugar produced in 1894, should be paid

²⁷*Ibid.*, 55 Cong., 2 Sess., Vol. XXXI, Pt. 4, 3954-59.

or not.²⁸ In living up to that declaration of independence, Caffery found himself almost immediately out of line with his party nationally, and later both nationally and locally. He did not assume this attitude just to be contrary or factious, or to attract attention to himself, as others before and after his time have been suspected of doing. He aimed at what he considered the public good, and was ready to take consequences if his views and acts did not suit his constituency. That is the essence of highest statesmanship.

From the point of view of practical politics, Caffery committed only one serious mistake and that was in connection with the currency question. His stand on the sugar question was in perfect alignment with the views of his constituents in Louisiana, and his scheme of solving the Cuban situation, tho contrary to what was popularly demanded at the time, even in his own state, would not have been the cause of any political reaction against him. But his refusal to go with his party on the free silver issue was fatal in its consequence and put an end to his political career. At the same time it is safe to say that he maintained the respect and esteem of most of his constituents who differed with him on this issue, and he retired to private life with no rancorous feeling of hostility against him.

Louisiana has produced several men of prominence and distinction in our national public life. Since the Civil War there have been at least two. One was Edward Douglas White who rose to the high position of chief justice of the United States Supreme Court, which he filled with conspicuous ability; the second was Donelson Caffery.

²⁸*Ibid.*, 53 Cong., 2 Sess., Vol. XXVI, Pt. 8, 7823.



✓ DUFOUR'S LOCAL SKETCHES, 1847*

(*"Esquisses Locales par Un Inconnu"*)

Translated under the editorial supervision of
ROBERT WILLIAM COLOMB

Secretary Louisiana Historical Society and member Editorial
Advisory Board, La. Hist. Quarterly

(CONTINUED FROM JULY, 1931, QUARTERLY)

THIRD INSTALLMENT

XXI

CHARLES GENOIS

Translation by P. D. OLIVIER

Today that the courtiers of the people have replaced the courtiers of the Kings, without changing any of the degrading traditions of the employment; to-day that all the public places have their small and great ambitions; that their popularity runners voluntarily consent to lower themselves in the public morals, provided that they elevate themselves in the political world, it is consoling to meet from time to time such characters as that of Mr. Genois. Elected Mayor of New Orleans a first time, he could have been re-elected without difficulty. He had simply to give in to the public sympathies, but he much preferred to retire quietly to private life. This is a trait seldom met with and which is becoming more and more rare. Gentleman, properly qualified magistrate, his administration, without being brilliant had been wise and useful. Acting on his responsibility, without passion, and also without fear, never compounding with the weakness of others, he knew how to uphold himself in a midst full of salutary dignity. It is regrettable that he had so little of the shortcomings of his time. With a little more ambition, he would have been more useful.

*The sketches tell us about a period remote enough to be imbued with the poetry of the past; yet, recent enough to allow sentiment to augment our pleasure. They are more gay than melancholy, and present to our view a precise vision of a New Orleans more restricted, more intimate, more homogeneous, than our present city.

"A great city is a great solitude." (*Megale polis megale eremia*). cf. Byron: Childe Harold, 11-26.

XXII

A. J. GUIROT

(Courier, March 15, 1847)

Translation by R. W. COLOMB

Mr. Guirot has never been mayor, it is true; but he almost became so. The mayoralty armchair, as you know, is the seat of the *far niente* (do nothing). It is only natural that amateurs should have their appetite for it whetted. As a matter of course, Mr. Guirot wished to sit in it. But just at the moment when he was about to lay hands on this object of his dreams, the *ne plus ultra*, (the highest possible degree) of his ambition, the deceptive mirage suddenly vanished.

It is assuredly not his fault, if he failed in his attempt, because he had set his nets cunningly, and with a master hand. The spider does not weave his web any better than Mr. Guirot prepares an election. He knows thoroughly the secret of that art which acquires value each day, and will become sooner or later, the most brilliant quality of the politician. When it comes to rallying the voters, I know few men who can enter the lists with him. But, alas! even a good horse stumbles, and unfortunately for Mr. Guirot, his foot slipped on the very day when the stakes were his, and not any longer belonged to his friends. Fate, as you see, has some frightful turns.

Mr. Guirot, can however, console himself in this defeat. He retains a more solid talent, which I here salute with my homage. He has earned a just reputation with the articles he sometimes writes for the newspapers, jointly with some very poetical lines of pretty little verses. He is a trustworthy, serious, and logical writer. He possesses a perfect knowledge of his native language, and is never at a loss to render it so flexible as to fit his thought. I shall not hide from you, Sir, the full extent of my sympathies for those men who possess the resources of the language, and who know how to use it with profit in order to convey their thoughts. I pay my tribute to the writer or orator, I am at all times, theirs to command.

XXIII

J. F. CANONGE

(Courier, March 15, 1847)

Translation by URSULINE CONVENT, New Orleans

Who does not know the name of the former judge of the Criminal Court? Who has not been struck by the wit, the erudition, the fascinating gloss which reveal themselves in him at first sight, conjointly with oddities no less striking? Most obviously does this instance corroborate the saying that one cannot speak of the qualities of certain men without involuntarily thinking of their defects, so deeply do both qualities and defects imprint upon them a characteristic which is unique.

Withal, Mr. Canonge is witty and shrewd, perfectly conversant with his classical authors and knowing how to quote them opportunely. Hence his conversation is most engaging. He is a willing story-teller and, consequently, often tells "stories," that are bold inventions of his vivid imagination. He seldom tires, because he always knows how to charm. Follow him everywhere, at table, in social circles, at the club, you will readily see that the science of life is not unknown to him, for he listens with exquisite tact and entertains a conversation with admirable ease. Although his habits as judge and his social ideas give him a certain air of aloofness, still he is accessible to all. When seen in his home, he appears to have received the heritage of the most refined courtesy of bygone days.

If you observe him closely, methinks that you will find in him the phenomenon which, in most cases, characterizes persons of a vivacious and impressionable nature. That is, that almost every quality has its correlative effect. For instance, that individual so refined, so polite, suddenly forgets himself to the point of being even rude; his sensitiveness degenerates into weakness. Side by side with a sound judgment, are to be found insurmountable prejudice; and, despite his usual tact, there are inconceivable follies. All his keenness does not suffice, at times, to make him discern flattery from sincerity. These thoughtless excesses are deplorable: they disfigure the grandest characters and dim the most brilliant faculties.

As a speaker, all those who have heard Mr. Canonge recognize in him qualities of a high order. He is entirely deficient in

voice culture, and has none of the exterior charms of the orator. It would be misusing the term were I to say that there is warmth in his discourses; he is vehement rather than persuasive. He is not sufficiently bold a thinker to risk himself in the intricacies of synthesis; but he triumphs in analysis and excels in exposition. Nothing escapes him in a discussion; he is quick to point out with equal ardor the affronts to logic and the criminal violations of language. With rare cleverness he jests about those awkward hunters whose misdirected shots serve merely to warn the game of approaching danger. He is so fond of imagery and color that he becomes a "phraseologist;" but he handles his sentences so well, so dexterously, that it is easy to recognize in them the skillful touch of the artist. His elegance of speech is proverbial. His language, always pure, always correct, often original, is not in too frequent use among our lawyers. The greater number of these gentlemen pretend that this vain form may be easily dispensed with in exposing a case. At that rate, I fear that the case may often be greatly exposed.

* * * *

XXIV

CHARLES MAURIAN*

(*Courier*, March 15, 1847)

Translation by HY. J. GASSIE

Does not this name recall involuntarily the ancient régime of our State? Does it not seem as a souvenir of that first magistracy where it was so easy to find men whose delicacy of expression equalled their knowledge? From that viewpoint I do not know whether we have lost or gained by the change. It is certainly agreeable to have to deal with a witty judge. But pleaders, they say, are not often in a mood to play at cross purposes, and how can one stop a man with a sense of humor from getting in his witticisms now and then. Mr. Maurian during the time when he was judge would have certainly thought it cruel to be thus restrained.

*For an account of Charles Amadée Maurian see *Comptes Rendus de l'Athénée Louisianais*, 1891, p. 10, Article on P. Morphy.

Paul Charles Morphy, the chess wizard, "The chivalrous Bayard of Chess," seems to have been the most intimate friend of Mr. Maurian. A friendship which began at Jefferson College in 1847, and which lasted until death. Morphy was born in New Orleans, on June 22, 1837, and died in that city (in his bath) on July 10, 1884. See "Life of Paul Charles Morphy, in the *Vieux Carré* of New Orleans and Abroad," by Régina Morphy—Voitier, 1926.

When in this world one speaks of a magistrate, especially an old magistrate, we picture him at once under the most repelling garb. We see him in the silence of his study flanked on both sides by frightfully large volumes and by piles of papers calculated to make one die of ennui. Or else one pictures him in his seat at the court, all bristling like a porcupine. Happily, for the honor of the magistracy, Mr. Maurian was there to hurl a brilliant denial to such injurious illusions by his elegant diction, his Athenian manners, his gracious sallies and especially his invincible disinclination to play the judge anywhere except in the court room. He had no sympathy with that stiffness, that susceptibility, which certain judges today seem to regard as dignitiy. His extreme facility in grasping every point, in remembering everything, his capacity to analyze everything, permitted him hours of happy idleness. His knowledge was never questioned, his conscience still less. His sense of justice dilated generously at the aspect that certain cases presented, and I have often seen him wrestle heroically against a rigorous interpretation, and seek an interpretation from the original sources. He seemed to find inspiration in the language of the Scriptures: the letter kills, the spirit vivifies. The Scriptures are a code of wisdom as necessary to a judge as the Civil Code.

Although I have often heard Mr. Maurian openly reproached on account of the tender-heartedness which he sometimes displayed in the accomplishment of his duties, I shall never cease to think that it is regrettable that such a man should have been sacrificed to poltical combinations, and that the new system should not have respected such incontestable ability coupled with so much experience.

* * * *

XXV

ISAAC T. PRESTON

Translation by HY. J. GASSIE

Wander over the town, cross our streets, gaze at the unimportant faces that pass along; at the busy throng going up and down, and when you come upon a man whom you cannot fail to remark, a man of tall and heavy physique, with a good natured face, his collar reaching proudly up to his ears, making his way leisurely and heavily, nearly always with a stride as though still a colonel at the head of his regiment, with his hands behind him

under his coattails, his head uplifted toward the housetops with the air of a stroller, you may feel sure that it is he—one of our best and greatest citizens, one of the glories of our Bar, one of the most eminent men of our country. If you do not believe your eyes—if you doubt lest appearances be so deceptive—then ask your neighbor the name of this man! He will surely be astounded to find that you do not yet know Mr. Preston.

It is difficult to form a fair idea of the obstacles which Mr. Preston must have overcome, little by little, in order to attain that great repute which no one questions today. The one thing that might, perhaps, make one realize it, is the conflict in which he seems to engage with his own nature at the beginning of his discourses. It seems as though his thought was struggling in the depths of his mind, laboring to disengage itself.¹ The orator hesitates, he repeats himself, he recommences his phrase; he is not sure of what he has said. But, leave him alone! He is simply grappling with himself. It is the mysterious combat between the butterfly and the chrysalis that imprisons it. Once the sufferings of the first moment are overcome, then he appears in his full strength, and those who are minded, at first, to laugh, or to yawn, no longer feel like it; and if it be against them that the lawyer pleads, they will soon discover, to their cost, that he is somewhat more dangerous than he seems.

The originality of Mr. Preston's talents excludes all idea of comparison. He is not simply the man for a bad case, as I have often heard; that opinion, to my thinking, is absurd. Mr. Preston's faculties, toiling in the void of a lost cause, draw from their own nature, a new power of expansion. He has such a fund of paradox, such a subtle mind, such profound art, such consummate ability, that, assuredly, he is a man to turn to account anything that may be entrusted to him. But, along with that, the language of lofty reasoning makes itself heard with such superiority that one easily discerns that the statue is not of clay. He places reasoning above authority—a mode, as you know, that is entirely out of the routine of our Bar. At times he is plunged so deeply into his own reflections that one might believe him to be still dozing when he begins to speak. He proceeds with an orderliness, a method, which naught can disturb nor check, proceeding prudently in the irritating phases of the discussion, never swerving under the powerful breath of the passions. If he be

¹On dirait que sa pensée se débat au sein de son cerveau et se met en travail pour se dégager.

lacking in that dominating energy which goads one to action, he nevertheless possesses to a high degree that passive force which stands firm in the midst of the most redoubtable tempests.

There is nothing disorderly in his eloquence. He converses, he persuades, he insinuates! He rarely declaims! His eloquence is natural, modest, without emphasis. Whenever his phrases take color, it is like the reflection of a sudden, momentary eruption. His voice, until then calm and persuasive, then takes on a sudden brilliancy that penetrates the audience. But it is just a flash that the eye has not the time to measure; it dies out almost as soon as it appears. That oratorical manoeuvre is all the more gripping in that it is rare and seems in no way prepared.

That eloquence so simple has, however, one irristable weakness. Mr. Preston can rarely finish any speech without feeling obliged to indulge a little in the pathetic. He possesses, in truth, those qualities which suit the pathetic element; but it is precisely at the moment when he ought to triumph that he engulfs himself. He goes beyond the objective, more or less, and instead of being pathetic, often becomes puerile. It has been said that in mathematics a deviation of the merest fraction in a line will bring about immense differences. In pathos, scarcely any deviation at all is required to wreck it upon the rocks of sentimentality.

Mr. Preston's career has been brilliant and very full. Attorney General during the administration of Governor Robertson, and afterwards during that of Governor Mouton, member of the House and of the last Convention, he was quite recently made a judge of the Criminal Court. He remained but a very short while in that new position—long enough, however, for his retirement to cause practically unanimous regrets. I do not believe he has yet taken his proper place—it is on the Supreme Court.

* * * *

XXVI

E. A. CANON

Translation by MISS GEORGINA HERBERT

Antithesis is the mania of the century. Where is the individual, whoever he may be, who has not tried his hand at it from time to time? Painters, poets, romancers, orators, small or great, seek contrast everywhere. There is only the vogue of the pun to balance the glory of this new style; and perhaps, when

more closely scrutinized, one might find a cementing link between the two. It is a race for novelty, for the unforeseen; and, in times past, on the eve of the battle of Cerro Gordo,¹ for example, when the Journalists spoke of the departure of Santa Anna vowing to conquer or die, it is said they came within an ace of gloriously placing him astride the back of a crayfish.

I must admit, sir, that it sometimes happens to me to offer sacrifices to the god of the day. I have not yet heard any valid objections to the pleasures of antithesis, and, consequently, antithesis, among other humble homages, has at times received mine. However, I believe never to have encountered a more successful one than that which results from the sketch you have just read and the one you are about to read. Contrast is everywhere—in the body, in the talent, in the character.

Mr. Canon is a man of small stature, of the southern type, always faultlessly attired. It would be difficult to say if the whiteness of his shirt surpasses the quality of the linen. The fire of repartee seems to light up his countenance; his lively, active and impulsive intelligence never lags for a second. The idea darts, the word shoots forth as alertly as an arrow. Whether Mr. Canon wills it or not, whether he speaks or converses, discusses or jokes, his wit bursts forth and is superabundant. All this is almost involuntary. He has not, like other clever men, a panoply all prepared from which he can choose his epigrams when needed. He no more studies his sallies than the fumy wine that explodes the cork. If I were permitted a comparison, I should liken him to a firebrand; one has only to blow upon it the merest breath of adventure, and you scatter a myriad sparks. His phrases, refined or malicious, escape from his lips prompt, neat, quick, more often short than long, now flaying without pity, again expressing his admiration on the fly, is it were, and with marvelous dexterity.

He does not keep his people guessing; the strength of his character is almost the equal of his mind. At times he even displays the defect of this quality, especially in the heat of debate. Those moments or those days are hard ones for him. The action is so instantaneous that it is not always quite clear. Then it seems like a bundle of thistles—one knows not how to take hold of it without getting stung.

¹Battle of Cerro Gordo in the war between the United States and Mexico was won by the American forces. General Scott defeated Santa Anna, April 18, 1847. The victory cleared the way to the Capital, which was taken September 14, 1847.

The pleadings of Mr. Canon, when he was at the Bar, were of an original character. He would, without display, yield to the impulses of his nature, to the best of his talents. The pomp of language, the artifices of style, shone by their absence. The choice of words, the quest for the picture, did not give him much concern. He bit more often than he barked. It was like a series of talks of anecdotic digressions, of witty jibes. He would take up the discussion for a moment, suddenly drop it, to indulge in some refined mockery, then again take up the question under a new phase. The discussion, as you see, was not included in the interlude. The method suffered somewhat, and the analysis here and there received some severe shocks, but the general spirit was a little economy (providence) for the rest. He combined, with the resourcefulness of his talent, an inexhaustible zeal, as invincible perseverance. The devil, himself, would have had to interfere, to prevent him from carrying the most arduous case to a successful conclusion.

There is in Mr. Canon more than the man of the Code. His literary knowledge is equal to his science as a jurisconsult. He was, at the time that the College of Orleans² flourished, one of the most distinguished professors of that institution. He often took an active and useful part in our legislative affairs; and in the midst of the hottest political controversies, the desire to hold the permanent interest of the country above the ephemeral interests of the party, kept him prudently moderate.

Mr. Canon retired from the Bar last year, to fill one of the chairs of the new magistracy. Those who deem it an honor to conserve Louisiana's body politic, must have rejoiced at the promotion of such an enlightened civilian, just as those who still respect the traditions of the sober and dignified bearing of the magistracy, could not have desired a more refined gentleman.

²College of Orleans was the first institution of learning established in the Territory of Orleans.

Mr. Gayarré was its most distinguished graduate.

XXVII

JOHN R. GRIMES¹

Translation by R. W. COLOMB

When I left Louisiana in the year 1832, I carried away with me almost no souvenir. The only surge which controlled the turbulent waters of my aspirations was that of my affections. Upon my return in 1836, I felt somewhat like a stranger in my native city. I therefore began to loiter, to trifle away the time, to look about in the manner of those who are disposed to take stock of their impressions. On my way one day I observed on the opposite sidewalk a tall old man who seemed to me to deserve the honors of my eyeglass. At that period eyeglasses were my weakness. It is a caprice of youth, and alas! does not endure. My inspection was not of long duration, and I was not prepared to say if it were altogether to the advantage of the person who was the object of it. The singular motley of his costume, the stiffness of his walk, his height and distinguished appearance, the elegant swagger cane which he held in his hand caused me to take him for an officer of the garrison. My quizzing glass led me to observe that he combined with the splendor of his watch charms a taste for dazzling colors. Some days later, Mr. Grymes was to argue a case; naturally, I wished to become acquainted with one of the most eminent men in the country. I had hardly inhaled the air of the court, when I perceived the same old man whom I had looked at quizzingly in the street. He was walking silently to and fro in the court room with his hands behind his back. He passed and repassed without much minding what was being said, and this employment of his hands did not pre-occupy his mind at all, nor did he mind what was being said by those about him. The irresolute observer could not have told whether he was ruminating or merely suffering from ennui. Here was certainly not the case of a deserter for the moment from the barracks. One does not parade and attitudinize long with impunity in the presence of an assembly of lawyers. If they hiss you at the theatre, they quizz you at the bar. It never occurred to me that this might

¹Grymes, John Randolph. Lawyer and legislator. Born in Orange Co., Virginia, in 1786. He studied law in his native state where he was admitted to the bar, and in 1808 removed to the Territory of Orleans. He was appointed district attorney and in that capacity was connected with the famous Batture case. His fee in the case was \$100,000. He was Jackson's counsel in the U. S. Bank case and opposed to Daniel Webster in the case of Myra C. Gaines against the city of New Orleans. He fought two duels in one of which he was severely wounded. He died in New Orleans, December 4, 1854.

be Mr. Grymes. I thought him occupied taking notes, of placing his stakes, or looking over his authorities. In the interval, his turn to speak finally came, and it was the stroller who advanced. Having mistaken him for an officer on parade, I had, as you may understand, to retrieve a great error. I have seen him since again and again. He has remained the same. He grows old, 'tis true! but, his great talent seems beyond the reach of the ravages of age. Unless you live in a certain milieu or environment you can have no just notion of the power of his authority. He has but to appear in court that he discovers a chance for a broader spread of wings. He would take, "in the swallowing gulf of dark forgetfulness and deep oblivion," some question long forgotten and buried, which had been decided over and over, and if he concluded to make of himself its redeemer in lending the aid of his daring logic, all ears would be pricked as if eagerly awaiting the announcement of some new truism. This eminent position is the result of at once, the greatness and character of his talent. He sees things without enthusiasm, but from a general point of view; he speaks of things without animation, but with a dominating assurance. I do not recall which French minister it was who cried out in the middle of a debate: "I know nothing of it, but I affirm it." Mr. Grymes is wholly within this definition.

But the wisdom of his speech never betrays the temerity of his thought. His positive tone, his sententious phrase, the imperturbable solemnness of his deportment gives incessant protection to the boldness of his argument. His reasoning eloquence is always faithful to this role, even when it becomes bantering. All of his irony is most often concentrated in the intonation of voice. He has no superfluity of style, but his ideas are so rigorously materialized by his manner of expression, that it would at times seem that they could be seen taking form. If Mr. Grymes had concerned himself a little more about a political career he would have been the equal of the greatest minds. There are talents which increase ten fold in proportion as the horizon enlarges before them. Unfortunately the indiscipline, or if you prefer, the independence of Mr. Grymes, has not always permitted him to make common cause with his party. There existed a solidarity of interests between them, and maybe too of sympathies, but a similarity of views was often lacking. Had Mr. Grymes lived in any other country he would have probably communicated his own impulsion to his party: but in this country, it is the party, or

rather it is the oligarchy of the party which directs the party leaders. Is it a blessing or an evil? I would forbear to speak of it; but what I do see most clearly is that Louisiana has probably lost a very illustrious political force.

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XXVIII

CHRISTIAN ROSELIUS

Translation by EDMOND J. LeBRETON
Jesuit High School, New Orleans, La.

Does it not seem to you, when you see certain names, that they are destined to be famous? That idea which has struck so many minds, frivolous as it is, has returned to me while writing the name which you have just read. One would willingly believe, on account of its harmonious originality, that it were impossible for it to remain unknown; and when one considers the origin of the career of Mr. Roselius, when one knows that a providential tide lifted him from the depths of misery and ignorance and deposited him on our shores in the midst of a vulgar mob of emigrants, the mind is still more vigorously excited to surrender itself to the illusion.

But one must take care not to attribute to mere fate that which Mr. Roselius owes essentially to his laborious efforts, to his own heroic will. Work—work of astonishing magnitude—has placed him where he is. His studies have developed in so wide a circle, that he has arrived at the height of the profession with the renown of his privileged talents launching with equal advantage into all the branches of law. And since he has placed himself so quickly and so high in the company of the intelligences, he has always remained a symbol of courage and of success in the eyes of the crowd.

While I recognize in Mr. Roselius a great authority of speech, I must distinguish between the lawyer and the orator. He has all the qualities of the former, and that is perhaps what renders so difficult the discussion of his oratorical manner. The self possession, the quick apprehension, the most precise analysis, the most rigid dialectic, all that redoubtable baggage of the great lawyer, he possesses. But I doubt that you will often find in his speeches a little of that finesse which supersedes ability, a little of that transport of inspiration which comes so powerfully at times to the assistance of reason, some of those flamboyant syn-

theses which the orator knows how to throw like a saving bridge over the difficulties of the position. The birth of his thought seems painful, and yet his language never stumbles. His is a severe mind rather than a delicate one. When the fancy takes him to indulge in raillery, unconsciously he arms himself with the ferule of the schoolmaster. It often happens that he ill treats his adversary with great blows of the cat-o'-nine-tails, thinking that he is simply inflicting on him a few light pin-pricks. He does not know how to laugh, or rather he laughs like Jupiter. You remember, no doubt, that when the king of the gods took a notion to laugh, it was a formidable thunder which shook Olympus.

It is impossible to speak to you of Mr. Roselius without speaking to you of his voice. Invariably he hurls it with the full force of his lungs, and he maintains it at so vigorous a pitch that it resounds far away in the corridors of the palace of justice like a battery of artillery. And it is thus, with great bursts of speech, that he penetrates into all the situations of his discourses—making himself always listened to like a master, thanks to the prodigies of his discussion, to the greatness of his logic.

Mr. Roselius has not sought political honors. The simplicity of his tastes, the inflexible probity of his opinions, have kept him removed from those intrigues and those interested transactions in which originate the majority of candidacies. His life has been until now of a higher usefulness than if it had been spent in making himself worth while to the sovereignty of factions. He was for three years attorney-general, and the manner in which he filled this great magistracy amply proved that his heart was on the level of his mind, that his generosity was at least equal to his talent. He possessed the secret of uniting the austerity of his tasks with the most benevolent disposition, with the most conciliatory character. The public schools of the first municipality which are consolidated today in so huge a frame, owe practically to him that brilliant organization which assures them for the future an indestructible place among our national institutions.

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XXIX

LOUIS EYMA

Translation by EDGAR GRIMA

Some time ago I happened to come across a group of caricatures. I saw at once that I was in the presence of notable com-

pany. I there got acquainted with a number of eminent persons whom I had not anticipated to meet. I at first apprehended that I might be in the group; but it was only a false alarm.

In glancing over the group I detected many of my friends who bravely stood the honors of the test, and particularly among them a statuette with an elongated and boldly flanked waist, and seeming to stare at you with a somewhat haughty look. I was at once struck with that wonderful physique, and when I was able to grasp its peaceful attitude, the tenderness of the expression, the easy-going creole figure, which seems to be the exclusive typical feature of some American races, I immediately looked for my best smile to bow before Mr. Eyma.

There are certain men who possess the gift of never being displeasing. They may be met ten times a day and their faces will always be welcome. If they gossip a little, their wee tales injure no one, kill nothing but time. In their opinions they show no stiffness; in their politeness they are never obsequious; should they happen to be in ill humor, all signs thereof seem to disappear at your approach; they have a way, truly artistic, of intermixing lack of ceremony and good manners, without either one injuring the other. Mr. Eyma may be classed as one of those men. You may therefore easily guess why I so cheerfully smiled before his statuette.

He occupies a most desirable position at the bar, where he has particularly specialized in commercial law. The experience he had acquired in business naturally led him to that line. Wise, patient, of moderate views, knowing how to inspire himself with the fruitful light of reasoning, he possesses all the qualities of a man given to study. If the right of examination did not exist, he would certainly have created it. He mistrusts, with prudent sagacity, the first allurement of enthusiasm, and I might venture to say that he has quite often safely gotten his clients out of many a brawl, in whispering to them:

"I see quite well how to enter,
But not so well how to come out."

If he set any claim to it, I would perhaps hesitate to say that he is far from being a brilliant speaker. But he does not care for it at all. In social gatherings he cleverly does his part; he is noted as an interesting conversationalist; but from the moment that he is called upon to deliver a talk, all power of speech im-

mediately fails him. His mode of discussion is of a school with which I am not yet quite familiar, although I have found it in many a lawyer, and, I may say, among those most highly considered. It looks at times as if their speech was drawing to a close; the mind prepares for it, feels that the end has come, but *Antaeus** has touched the earth and the speaker starts afresh, glibly as ever. The speech has thus five or six endings, sometimes more, before reaching its final end.

Mr. Eyma occasionally leaves aside the scribbles of legal procedures, to take up literature. When he indulges in these sudden changes of style, he tackles more particularly questions connected with the labors of his profession. His excellent articles on capital punishment led some one—I do not remember who it was—to call him a Socialist. If Mr. Eyma was not usually well shaved, like an Englishman, I would say that he must have laughed over it in his beard. It was a harsh word, and his sound and delicate judgment could see in it nothing serious.

He is not a man apt to depreciate his worth, but he does not belong to the school of those who overvalue themselves. I do not believe that he has ever traded his old good sense against the jugglings of the age. How many are there of pitiful souls who sacrifice themselves by trifling along with their shadow! Mr. Eyma is safe against such a misfortune.

* * * *

XXX

A. GRAILHE

Translation by J. ST. CLAIR FAVROT

Would you like to know exactly what a barrister's talent is?

Would you know a man of the bar just as he should always be, loyal and courteous, elegant and correct, perspicacious and logical? Go and hear Mr. Grailhe. His word is of admirable clarity, his expressions are rich and expressive without being pompous. Polite to every one, always contained and even somewhat distant, full of fact and well informed, and nothing would be more surprising to his colleagues than a deviation on his part. When he pleads it is the doctor of laws who is speaking—proceeding coldly, and without irritation, avoiding the passionate in order to remain

**Antaeus*, Gr. Myth. A giant of Libya, long invincible in wrestling because his strength was renewed every time he touched the earth, his mother. Hercules throttled him while holding him off the ground.

at ease within the crux of the question debated. You see that there is nothing of the tribune in that manner and that the element of the jury could not absolutely be convenient to him. His discussion, broad and elevated, leaves it to be guessed that sooner or later he could participate with utility in the legislation of the country if the influence of party spirit did not betray him to the myrmidons of politics. The judiciary seems peculiarly propitious to the development of his qualities, where they would shine with greater and more impressive éclat. It is not he, as may be stated in passing, who has made popular the régime of fear adopted by some of our new judges. You know, no doubt, that we have the good fortune of having judges who are terrorists. The shadow is proportioned to the size of the man and the dignity that spreads around a magistrate is in proportion to his size.

I do not know that Mr. Grailhe has ever stepped upon the burning field of politics. If his merit only sufficed to make his way therein, his removal would be regrettable. But I fear that at times there is a mixture of qualities which are not virtues. A spirit sufficiently facile to take alternately an audacious brutality and a honeyed suppleness would easily outshine a reserved personality like that of Mr. Grailhe.

(To be Continued)



✓ LOUISIANA IN THE DISPUTED ELECTION OF 1876

By Fanny Z. Lovell Bone
(Mrs. Hugh McCreary Bone)
Crowley, La.

SECOND INSTALMENT* (b)

CHAPTER III.

The Campaign in Louisiana

THE YEAR 1875 was for the Democrats, a period of restless, but more or less disorganized preparation for the approaching political struggle. As early as August, inflammatory editorials¹³⁶ began to fan their smoldering resentment into a consuming blaze of hatred. Terms of opprobrium and abuse¹³⁷ were freely used in pre-campaign propaganda. Census returns of the Parishes were printed, showing the relative number of white and colored voters.¹³⁸ The "outrage mill" resumed operations.¹³⁹ Although the people of Louisiana were primarily concerned with State politics, they were intensely interested in the political aspect of the country at large. The National House of Representatives was Democratic, and the hope was entertained that the party would have a majority of 76 in both houses and of 34 in the Electoral College.¹⁴⁰

On October 6th, a new election law was promulgated in Louisiana, which revised, amended and re-enacted Act 19 of 1873 so as to regulate the conduct and maintain the freedom and purity of elections.¹⁴¹ On November 12th, the daily *Picayune* published

*See the Quarterly for July, 1931, for the first instalment.

¹³⁶*Louisiana Democrat*, August 11, 1875—"What shall we do to be saved?"
Ibid., Aug. 18, 1875—"In line again."
Ibid., Aug. 25, 1875—"The chasm not crossed."

¹³⁷*Ibid.*, Aug. 18, 1875—"The little African tom-tit, Caesar Africanus Antoine."

¹³⁸*Ibid.*, Aug. 18, 1875; *Daily Picayune*, Oct. 4-21, 1875.

¹³⁹*Louisiana Democrat*, Sept. 15, 1875; also footnotes 85, 86 and 87.

¹⁴⁰*Ibid.*, Nov. 17, 1875. "The new Congress (44th) will elect a Democratic Speaker, commence the work of reform and purging, and then we can settle down to blaze out the political road for the grand Centennial Presidential race of 1876." Rhodee VII, p. 281.

Daily *Picayune*, Dec. 5-12, 1875.

¹⁴¹*Daily Picayune*, Oct. 6, 1875.

a stirring editorial on "How to Defeat the Radicals,"¹⁴² and on December 15th, the Louisiana *Democrat* listed "The great advantages we start with;" i. e., "A Democratic Speaker in the National House, a Democratic National House, the purse and sword of the nation."

When the Louisiana Legislature met on January 3rd, 1876, Lieutenant Governor Antoine presided over the Senate, while Speaker Estilette was in the chair of the House.¹⁴³ The session lasting from January 3rd to March 2nd, was occupied in log rolling and skirmishes¹⁴⁴ between the Radicals and Conservatives. The Pinchback-Eustis senatorship was rehashed without settling the dispute, but the most important subject discussed was the regulation of elections. A strong effort in the House to replace the old election law by a new statute eliminating the Returning Board was lost in the Senate, and hence failed.¹⁴⁵ Packard and the New Orleans Republicans were backers of the Returning Board, and fought for its retention.¹⁴⁶ A special House committee charged William P. Kellogg, Judge Jacob Hawkins, Henry C. Dibble, Acting Attorney General, and J. H. Oglesby with misuse of state funds, and recommended that Governor Kellogg, State Treasurer Dubuclet and Dibble be addressed out of office. The same committee found Kellogg guilty of high crimes and misde-

¹⁴²*Ibid.*, Nov. 12, 1875. (1) United Democrats, Liberal Republicans, old line Whigs, Conservatives. (2) Sink monetary question. (3) Renounce consideration of religious questions. (4) Assume offensive; (a) Arraign Republicans under Grant; (b) Arraign oppression of Southern whites; (c) Arraign fostering of negro incendiarism and of starvation of Indians. (5) Arraign fostering of extravagance and corruption.

¹⁴³*Ibid.*, Jan. 4, 1876.

¹⁴⁴*Ibid.*, Jan. 5, 1876. Agitation in the House for investigation of Republican members. Jan. 8, 1876, Resolution in the House for committee to examine the report of the State Registrar of Voters.

Annual Cyclopaedia, 1876, p. 481.

¹⁴⁵*Annual Cyclopaedia*, 1876, p. 481 ff.

Louisiana Democrat, Feb. 2, 1876.

Fortier IV, p. 179.

¹⁴⁶*Louisiana Democrat*, Feb. 2, 1876.

Ibid., Feb. 9, 1876. There is no doubt that if the Returning Board be permitted to be the law of the land, we may as well give up the ship and bid farewell to success in the next election. Half our voters will shun the polls if their ballots are to be counted the wrong way by the Returning Board.

J. Madison Wells' paper (the organ of Rapides Radicalism) says: "If the present bill becomes the election law, the Republican party might as well give up the ship. There is no protection for the Republican Party against the frauds of the Democratic Party except in and through the Returning Board." *Louisiana Democrat*, Feb. 9, 1876. We begin to think Kellogg and his party are determined to run this State to perdition. Morton's bloody shirt and Blaine's grave clothes are to be flaunted. New Orleans *Picayune*, Feb. 6, 1876. The members of the Returning Board are all alive, and without fear of the Ku-Klux, White League or vigilance committees, are prepared, when the time comes, to resume their infamous labors. They live! What better proof can we offer of the tolerance, forbearance and peaceable disposition of our people! They not only live, but they are ready to repeat their violence upon the most sacred right of citizenship.

meanors committed after April 14th, 1875,¹⁴⁷ but when the House notified the Senate of the impeachment, Judge Ludeling announced that the Senate was ready to proceed, and gave the House less than one hour to prepare its case. This was impossible, so the Senate declared Kellogg acquitted.¹⁴⁸ On March 1st the Conservative House adopted fourteen articles of impeachment against Kellogg as a protest against the action of the Radical Senate.¹⁴⁹

The Republicans, controlling the political machinery, were on the defensive, so the Democrats very naturally were more eager to set the ball rolling. They opened the campaign proper on February 10th, 1876, when the Democratic-Conservative State Central Committee issued an address to the people urging them to use and exhaust every means in their power to defeat the Radicals.¹⁵⁰ This communication was followed by the enrollment of negroes in the Conservative ranks, and by the formation of Democratic-Conservative Clubs.¹⁵¹ "Returning Board" Tom Anderson was accused by a select committee of the Louisiana House of Representatives of misuse of State funds in connection with the Boeuf & Crocodile Navigation Company.¹⁵² The Returning Board was already in illrepute and the accusation against Anderson was political capital for the Conservatives.¹⁵³

In March, the Sheriff, the Parish Judge and the Tax Collector, all Republicans, of East Baton Rouge Parish, were asked by a mass meeting of property holders and tax payers to resign.¹⁵⁴ In answer to Governor Kellogg's complaint of this action by lawless persons against the civil authorities, the District Attorney

¹⁴⁷See Wheeler Compromise. Appendix A-2.

¹⁴⁸Annual Cyclopaedia, 1876, p. 482.

Fortier, IV, p. 180.

¹⁴⁹Fortier, IV, p. 180.

¹⁵⁰Appendix C-1, this chapter. Address to the people.

Annual Cyclopaedia, 1876, p. 483.

Louisiana Democrat, Feb. 23, 1876.

¹⁵¹Louisiana Democrat, Mar. 15, 1876. We have in our ranks and attached to the tenets of our party, over three hundred good and true colored Conservatives.

¹⁵²Louisiana Democrat, Mar. 22, 1876.

¹⁵³Louisiana Democrat, Apr. 19-26, 1876. May 24, 1876. The Returning Board has always cheated us out, and their fingers are already greased to renew the work of defrauding.

When the battle has been bravely and honestly won, no Returning Board although backed by hell itself, can alter the result.

The recent decision of the Supreme Court in the suit of Moncure vs. Antoine and Dubuclet, declares the Returning Board to be the source of all official authority in the State . . . their findings are not subject to review by any court.

Late fall of 1875, spring of 1876, *passim*, Democratic papers, such expressions as, Trickery and cheating by the Returning Board—scoundrels . . . rascals . . . cheats . . . usurpers show that the Returning Board of J. Madison Wells & Company was in great disrepute before the campaign of 1876 was fairly started.

¹⁵⁴Annual Cyclopaedia, 1876, p. 484.

replied that he knew of no combinations of lawless persons, but that it was the action of citizens in an open, peaceable meeting. Fearing for the safety of life and property in East Baton Rouge, the mass meeting appointed a volunteer night patrol of ten citizens for each ward, these citizens to act under the orders of a captain.¹⁵⁵ Resolutions were later passed by five hundred colored men in East Baton Rouge, condemning this same Parish Judge (G. P. Davis) for taking as his wife a colored woman, and J. Henry Burch (later Republican Presidential Elector) for misuse of school funds.¹⁵⁶

In East Feliciana Parish a mass meeting of white and colored was held, where resolutions were adopted, stating that great good had been done in ridding the Parish of "malicious, ignorant and corrupt Radical officers" who had been driven out by regulators.¹⁵⁷

In West Feliciana Parish, the people tired of waiting for a change of officers, after many unfulfilled promises from Governor Kellogg, took matters in their own hands. At Bayou Sara, May 6th, a large body attended the regular session of the Police Jury and received the resignation of four Radical jurors.¹⁵⁸ A few days later occurred the trouble at Bayou Sara, which was differently reported by the papers of the two parties.¹⁵⁹

These parish disturbances, while of a political nature, were of a purely local character, pertaining to the alleged misconduct of carpet bag officials and negro thieves. There had been much illicit traffic in seed cotton and stolen cattle by evil and ill-disposed negroes, whose discontent had been fomented by Radical

¹⁵⁵Louisiana *Democrat*, Mar. 29, 1876.

NOTE: The Conservatives used night patrols in East Baton Rouge, the Felicinas and Ouachitas all through the campaign of 1876.

¹⁵⁶New Orleans *Democrat*, July 27, 1876. We condemn Geo. P. Davis for his corruption while Parish Judge, and in himself as Parish Judge, divorcing a colored woman from her lawful husband, and then taking her as wife to himself to the exclusion of his own wife.

¹⁵⁷Annual *Cyclopaedia*, 1876, p. 484.

¹⁵⁸Louisiana *Democrat*, May 10, 1876.

¹⁵⁹The Rapides *Gazette* published from the New Orleans *Republican* a sensational account of the riot near Bayou Sara.

"It was a wholesale slaughter of innocent negroes by murderous whites." Louisiana *Democrat*, May 24-31, 1876. "Thirty armed negroes rode up to the store of old Aronson on the Woodville Road, asked for a party not there, delivered a volley into the store, killed the merchant, wounded his negro clerk, whereupon the whites, armed, captured two of the negroes, and justly sans ceremonie hung them to the first tree. Subsequently one hundred and fifty armed negroes broke into a store twelve miles west of Woodville, and robbed it of ammunition, boots, saddles, etc. The sheriff with a posse, ordered them to disperse, and upon their refusal a skirmish ensued, in which twenty negroes were killed—no further trouble expected. The Returning Board organ (*Rapides Gazette*) here showed its bloody hands and raised to the top of its jackstaff the scarlet underwear of its damned and doomed party."

members of the legislature. The thieves had been whipped by "regulators," and trouble followed.¹⁶⁰

Early in May two Radicals were shot by a masked assassin at Coushatta, the scene of the 1874 Coushatta tragedy. The shooting stirred up great excitement locally and nationally. The committee sent by Congress to Louisiana to investigate the affair, reported that the Coushatta victims, King and Twitchell, had many personal enemies even within their own political party because of the gross mismanagement of Red River affairs, and that the attack upon them had no political significance. King, who was killed by the masked, mounted assassin, was Tax Collector of Red River Parish, while Twitchell, who was so badly wounded that both arms had to be amputated, was State Senator, member of the Police Jury, member of the School Board and United States Commissioner for the same parish. The Republicans declared that this shooting was an outrage committed by Democrats for the purpose of intimidating Republican voters, but the Democrats insisted that they knew nothing of the matter, and were unable to identify horse or rider.¹⁶¹

Bennett's political cartoons appeared frequently during the summer of 1876 in the New Orleans *Democrat*, one of the most striking of these being entitled "The Swamp of Radicalism." It portrays a dismal swamp filled with loathsome serpents personified as Governor Kellogg, Judge Ludeling, S. B. Packard, C. C. Antoine, General Longstreet, J. Madison Wells, Henry C. Dibble and other Louisiana Radicals. A prophetic note is sounded by the picture of four alligators swimming to land, these monsters being entitled "The Returning Board." Above the horrid swamp, the female figure of Louisiana is being pushed at the point of a bayonet into the mire below. Above, descending like an angel from heaven, is the figure of Democracy, extending to Louisiana her helping hand.¹⁶²

From this time on, the campaign was divided into four phases; formation of clubs; registration and the resultant quarrels; mass meetings with speeches and barbecues; acts of violence.

Both sides were active in forming political clubs, the avowed purpose of which was to enroll and inspire party voters. Hun-

¹⁶⁰*Louisiana Democrat*, May 31, 1876.
Annual Cyclopaedia, 1876, p. 484.

¹⁶¹*Louisiana Democrat*, May 10, June 28, June 7, 1876.
Annual Cyclopaedia, 1876, p. 484-485. *New Orleans Republican*, *passim*, May, June, 1876, also September 2, 1876.

¹⁶²*New Orleans Democrat*, June 4, 1876. Similar cartoons *passim*.

dreds of such organizations were formed throughout the State. The Republicans chose for their clubs, colorful names; "American Union Club;" "The Packard Guard;" "German American Club;" "Marching Club;" "Councils of Freedom;" "Packard and Antoine Invincibles;" "Antoine Defenders;" "Brown Guards;" "Antoine Cadets."¹⁶³ While the Democrats contented themselves with such appellations as "Tilden-Hendricks Club;" "Democratic-Conservative Club;" "Nicholls-Wiltz Club;" "Conservative Colored Club;" "White League."¹⁶⁴ The bands known as bulldozers, regulators, and rifle clubs were characterized by the Republicans as Democratic political organizations,¹⁶⁵ but the Conservatives claimed otherwise. That necessity makes strange bed-fellows, is shown by the admission of negroes into the Conservative clubs. The Democrats anxious to prevent any compromise of their claims through violence and disorder, were solicitous for the co-operation, so far as possible, of colored citizens, and urged them to join the white Democratic-Conservative clubs, or to form organizations of their own. Many negroes joined for the alleged purpose of protection from intimidation by colored Republicans.¹⁶⁶ Intimidation was charged by both parties, the Republicans stating that negroes were forced to join Democratic clubs, while the Democrats answered that the Republicans maltreated negroes who did so.¹⁶⁷ The *New Orleans Republican*, September 3rd, notes with pleasure that Democratic and Republican marching clubs saluted each other when they met in the streets of New Orleans the night

¹⁶³*New Orleans Republican*, July 8-20-26, Aug. 6-20, Sept. 3-12, 1876.

¹⁶⁴*New Orleans Republican*, July 16-18-27-28; Sept. 3, Oct. 8, 1876.
Louisiana Democrat, Aug. 2-9, 1876.

New Orleans Democrat and Picayune, *passim*, summer, 1876.

¹⁶⁵*New Orleans Republican*, July 18-23-25-29, Aug. 4, Sept. 3, 1876.

¹⁶⁶*Annual Cyclopaedia*, 1876, p. 485.

New Orleans Republican, July 18-27-29, 1876.

Louisiana Democrat, August 9, 1876.

¹⁶⁷*New Orleans Republican*, July 16-25-29, Aug. 5, Sept. 3, 1876.

"Life Insurance for Colored Voters." It is very natural that with the shooting, burning, hanging and whipping of colored people pervading this State, these people should be wary of their lives. To refuse a man wages, to destroy his growing crops, to terrify women, and to chase children into the swamp, are powerful agencies for depressing the moral nerve of an ordinary man. The revolver and bull whip are awful tests of principle. The Conservative Colored Club is an office humanely opened for the preservation and insurance of negro life, crops and wages. The colored member, with his membership ticket, may pass the pickets of bulldozers.

Voters in DeSoto Parish being made to join Democratic Clubs, or else social ostracism will follow.

Letter of I. W. Patton (Chairman of the Democratic Committee) to Antoine:

"I have received information that intimidation is being practiced by your party against colored people joining Democratic Clubs—that in some cases they have been pursued to death."

Louisiana Democrat, Aug. 9, 1876. Resolutions have been passed by the Nicholls-Tilden-Hendricks Club that this organization will protect its colored members from intimidation or violence.

before; the inference is strong that serious trouble might have been expected. A confidential Democratic circular recommended that clubs be formed in the different sections of every parish, that, as often as possible, a central meeting of all clubs be held and that occasionally these ward clubs proceed on horseback to a central rendezvous. "Such meetings would furnish an occasion for amusing and interesting ceremonies. Proceedings of this character would impress the negroes with a sense of your united strength. They have been taught that they greatly outnumber you; such meetings would convince them of their error."¹⁶⁸ This circular was termed by the *New Orleans Republican*, August 5th, 1876, as "the real Democratic platform of Louisiana."

Registration of voters was a bone of contention; each side claimed fraud and dishonesty against the other. The truth seems to be that extensive fraud in registration was attempted by both parties, but that the Radicals, being in control of the State machinery, were more successful.¹⁶⁹ Acting Governor Antoine appointed as State Registrar, Michael Hahn, and as Chief Clerk of Registration, Peter Williams,¹⁷⁰ and a battle royal for full registration followed. The Republicans charged the Democrats with every sort of subterfuge,¹⁷¹ namely, registering minors, purchasing registration papers, encouraging "repeaters," perpetrating naturalization misrepresentations, enrolling dead men as live voters, putting a premium on false registration, and robbing

¹⁶⁸Appendix C-2, this chapter. Confidential Democratic Circular issued by the Democratic State Central Committee.

¹⁶⁹Dunning, p. 304. *Annual Cyclopaedia*, 1876, p. 486.
N. O. *Republican*, *passim* summer, 1876, notices that Governor Kellogg appoints the following registrars . . .

Fleming, *Sequel to Appomattox*, p. 297.

New Orleans *Republican*, Oct. 25, 1876.

Kellogg letter to Chairman Burke of the Democratic Registration Committee: "There has been fraudulent registration on both sides, and no effort to correct it has been spared."

¹⁷⁰New Orleans *Republcan*, Aug. 23, 1876.

¹⁷¹New Orleans *Republican*, Aug. 31, 1876. Wide awake supervisors are obtaining information from doctors, midwives and old residents, bearing on these minor pretenders' birthdays.

Ibid., Oct. 20, 1876. Liberal use of Democratic money in buying registration papers.

Ibid., Sept. 2-12, 1876. John Bonner, Colored, had three different cards of registration.

Ibid., Sept. 2-22, Oct. 1, 1876. The Republican Campaign Committee had better overhaul the entire list of citizens manufactured by the Democratic naturalization bureau—H. Rance, M. D., listed in June 11th, 1876, records of 2nd District Court, New Orleans, as receiving naturalization papers, was nominee for Coroner in previous Democratic Convention—no comment is necessary.

Ibid., Oct. 14, 1876. Dead men registered by Democrats.

Ibid., Sept. 6, 1876.

Ibid., Nov. 7, 1876. Michael Hahn orders supervisors to issue duplicates to negroes who have been robbed of their registration papers by armed men.

negroes of their voting papers. The Democrats counter-charged the Republicans with refusal to allow free Conservative registration, with refusal to appoint any Democratic registration officers, with fraud in the colored registration, with illegal erasures on the books, with the use of unlawful means of reducing the lawful Democratic enrollment, with the colonization of a Radical Louisiana by the importation of 14,000 negro voters just prior to the November election, with the issuance of counterfeit registration papers, and with general fraud in registering the voters of the State.¹⁷² Drastic orders were issued from Republican headquarters to the Parish Supervisors of Registration.¹⁷³

The Democrats denied vigorously any attempt at unfair registration, and denounced the scrutiny of their residences by the political police canvassers. Whittaker, attorney for the Democratic Registration Committee, asked Registrar Hahn to erase from the lists, upon proof satisfactory to the United States Commissioner, all fraudulent registrations. E. A. Burke and I. W. Patton demanded that some Democratic-Conservative supervisors of registration should be appointed throughout the State for the purpose of scrutiny and check.¹⁷⁴

The Republicans answered the charges against them with emphatic denial of any attempt at fraudulent registration. Governor Kellogg in answer to Chairman Burke's demands said:

"In forty parishes, the Democrats already have one or more clerks, also in every parish and in every ward of New Orleans, a United States supervisor has been appointed upon recommendation of your party. This seems fair. Very few authenticated charges have been made to Registrar Hahn or myself. The charges are vague and sweeping."

¹⁷²New Orleans *Democrat* and Daily *Picayune*, *passim*, summer, 1876.

Letters of E. A. Burke, Chairman of the Democratic-Conservative Registration and Election Committee to Governor Kellogg and to Registrar Hahn. Letter of I. W. Patton, Chairman Democratic-Conservative State Central Committee to Registrar Hahn.

Democratic newspapers: Republican police canvassers visit homes of citizens, during the absence of the male members, with ominous documents to impress the belief that they are seeking to arrest the absentee. When told, "He does not live here," they make such a report to the registrar, who erases the name from his books.

Daily *Picayune*, July 16, 1876.

Confidential Democratic Circular, *ante*.

¹⁷³Appendix C-3, this chapter. Republican circular letter to Parish Supervisors.

¹⁷⁴Registration correspondence between I. W. Patton, E. A. Burke and Wm. P. Kellogg and Michael Hahn. Published by the New Orleans *Republican*, N. O. *Democrat* and Daily *Picayune*, 1876. N. O. *Republican*, Oct. 20, 1876, Whittaker letter to Hahn.

Again, Kellogg to Burke, "I am anxious for a fair registration, and will do all in my power to produce this result." Acting Governor Antoine in reply to Chairman Burke's complaints, wrote:

"I do not consider it wise or expedient to appoint a Democratic-Conservative supervisor of registration in every alternate parish, and in every alternate ward of New Orleans. This is a demand for patronage. We are willing to accord your party a fair opportunity for scrutiny. Some of your demands are evidently made with the view of making a pretext for charges of fraud."

Registrar Hahn in answer to I. W. Patton's protest, wrote:

"I am shocked, grieved and surprised that you, or any one, should fear deprivation of the rights of suffrage . . . such expressions are not wise, they may stir up trouble and fan into flame, the passions now dormant of thoughtless men . . . I know no political party . . . supervisors have already been instructed to accept as valid, if otherwise correct in form, the certificates of 1874, unless stamped 'Voted Nov. 7, 1876.'"¹⁷⁵

Acting Governor Antoine in answer to I. W. Patton's letter of August 23rd, replied, "We are willing to accord to the 'outs' opportunity to scrutinize the coming election from the first registration to the casting and counting of votes."¹⁷⁶ Shortly after I. W. Patton's protest of September 8th, the New Orleans *Republican* announced the appointment of Democratic supervisors of registration for the following parishes: Jefferson, Tangipahoa, St. Helena and St. Martin.¹⁷⁷ The Radicals replied to the accusation that they were importing negro voters, "The charge is false . . . a large addition, however, is constantly being made to the colored population, and this is a good thing."¹⁷⁸ They characterized the Democrats' complaints of police scrutiny as proof that the Democrats were trying to hide their false registration, and they reiterated the fairness on the part of the Republican registration

¹⁷⁵Patton asked that persons holding certificates of 1874 stamped "Voted" might be entitled to vote in 1876, because of the fear that many Democratic-Conservatives were not being afforded ample opportunity to register in 1876. New Orleans *Republican*, Oct. 18, 1876.

¹⁷⁶Registration correspondence between Kellogg, Antoine, Hahn and Burke and Patton published in the New Orleans *Republican*, Aug. 27-30, Oct. 18-21-23-25, 1876. Also Sept. 8, 1876.

¹⁷⁷New Orleans *Republican*, Sept. 10, 1876.

¹⁷⁸*Ibid.*, July 18, 1876.

authorities.¹⁷⁹ The registration quarrel was many sided, and caused great friction. The Republicans were gleeful that Registrar Hahn emerged from the disagreement apparently triumphant over Chairman Burke,¹⁸⁰ while the Democrats were aggrieved that the Radicals were in complete control of registration.

Both parties being well organized by midsummer of 1876, with D. J. M. A. Jewett, secretary and general manager of the Radicals, and with I. W. Patton, chairman of the Democratic-Conservative Central Committee in charge of the respective forces. Rallies, mass meetings and barbecues were the order of the day. Colorful campaign lyrics enlivened these gatherings.¹⁸¹ The Republicans planned and carried out a systematic tour of the entire State with mass meetings held on schedule. More than forty prominent Radicals, headed by S. B. Packard, addressed these assemblies and urged their hearers to vote the Republican ticket. The Democrats held literally hundreds of barbecues to which they invited prospective Democratic voters, black and white, and which were addressed by prominent Democratic-Conservatives, headed by General Nicholls. For the most part, the speeches on both sides were what could be expected in a heated political campaign; the Republicans waved the "bloody shirt,"¹⁸² reminded the negroes that it was the Republicans who had freed them from bondage, and promised a bright future for Louisiana if she went Republican again for the fifth consecutive time since the beginning of Reconstruction, while the Democrats, on the other hand, arraigned the carpet bag rule in Louisiana, charged the Republicans with unjust taxation, misuse of public funds, and misconduct of state offices, and promised for Louisiana a Utopia if she helped the Democrats to free her from the Radical ring. On several occasions, however, a bitter and sinister note was sounded in the speeches. On August 19th, at a grand Republican rally in New Orleans, J. R. G. Pitkin, after arraigning the Democrats and re-opening the question of the Civil War and Secession, said:

"It is time that armed mobs should cease to be esteemed and respected; time that respect should not be given merely for color or skin. When a citizen is shot down by the White League, our government cannot con-

¹⁷⁹New Orleans *Republican*, Sept. 2, Oct. 19, 1876.

¹⁸⁰*Ibid.*, Sept. 16, 1876.

¹⁸¹Appendix C-4, this chapter. Campaign lyrics.

¹⁸²The argument based on outrages on the negroes at the South by white Democrats was called in political parlance 'waving the bloody shirt.' Rhodes, VII, p. 283.

done the crime nor abandon him. I charge directly upon the Democrats at Baton Rouge that they deliberately indorsed the White League; they denounce our government and call it illegal; they fail to denounce the White League; not one negro would vote the Democratic ticket unless forced by intimidation."

Later in the same evening Rev. George W. Bryant, (a colored man) made an incendiary speech in which he accused the Democrats of converting the political campaign into an "outrage mill."¹⁸³ On October 23rd, at a Republican meeting in New Iberia, Colonel James Lewis (a colored man) made a biting arraignment of the Democratic party for its hypocrisy, treachery, meanness and crimes against the colored people, and what he termed the cowardly deception of the Democrats.¹⁸⁴ The *Republican* reported that early in September, at a Democratic meeting in Monroe, John McEnery said, "I would kill Packard if I had the power—he ought to be killed—it would be a blessing to the State if some one put a bullet in him," and that McEnery in a diatribe against the carpet baggers on the same occasion said, "Every white man ought to take a knife and cut every d——d Republican throat."¹⁸⁵ It was also alleged that on November 4th, A. A. Gunby made an election speech in the Court House square at Monroe, upon which occasion he used harsh language toward the colored people, called them orang-outangs, monkeys, and said if they did not vote the Democratic ticket, the whites would give them no work, and would drive their women from the cook pots, and that Mr. Gunby concluded:

"Where the bullet enters the flesh will quiver and where the knife is thrust the blood will flow."¹⁸⁶

The political meetings of each party were frequently disturbed, and sometimes broken up by the opposing faction. The Radicals repeatedly accused the bulldozers of such actions,¹⁸⁷ and claimed that because of these disturbances negroes were afraid

¹⁸³ New Orleans *Republican*, Aug. 20, 1876.

¹⁸⁴ *Ibid.*, Oct. 24, 1876.

¹⁸⁵ New Orleans *Republican*, Sept. 10, 1876. "The most virulent speech ever heard."

¹⁸⁶ Testimony of Geo. B. Hamlet, colored sheriff of Ouachita Parish.

¹⁸⁷ New Orleans *Republican*, Aug. 29, Sept. 10-15-21, 1876.

Ibid., Sept. 21, 1876. Marked case of Democratic indecency—cayenne (pepper) sprinkled on ground to distress the audience.

New Orleans *Republican*, Oct. 3, 1876. Disgraceful disturbances at Bastrop by bulldozers.

to attend rallies.¹⁸⁸ The Democrats made counter charges,¹⁸⁹ but there is no reason to accept unconditionally the version of either side, for both were equally skilled in manufacturing such charges. It would strain our conscience to assign to either faction the virtues claimed by one and the villainy charged by the other.¹⁹⁰

The fourth major feature of the campaign, acts of violence, is so intermingled with the other three aspects, clubs, registration and meetings, that it is with difficulty segregated for a separate discussion. Mention of a few outstanding, widely advertised outbreaks will suffice to inform the reader upon this feature of the situation. On June 17th, a riot took place at Port Hudson, of slight political significance,¹⁹¹ but offering opportunity to trouble makers on both sides. In Red River Parish during the same month, the ignorant freedmen were incited by incendiary speeches made to them by Raford Blunt and Raby, negro members of the State Legislature. The whites deplored and resented this action, because they felt that the negroes were in general tired of the Radical rule and because they apprehended serious trouble if the blacks were incited to violence.¹⁹² In July, the *New Orleans Republican* repeatedly complained that many parishes were completely under the control of the "jay hawkers," "the Comanches of society with their love of plunder and blood," and reiterated

¹⁸⁸ *New Orleans Republican*, Sept. 15, 1876. No name no blame. We of the third and fourth wards want to attend your meetings, but we are afraid as the murderers of this Parish say they will watch the road to see which is the best Republican so they may know who to hang when they see fit. You must consider we have no protection, we cannot attend meeting Tuesday—we are true Republicans, but live out in the country with murderers, so no name. (Slipped into the hand of a Republican speaker in Baton Rouge.)

Ibid., Sept. 26, 1876. Bulldozers tried to prevent negroes attending meetings at Greensburg and St. Helena.

Ibid., Sept. 21, 1876. Negroes warned not to attend Republican meeting at Clinton.

Ibid., Nov. 5, 1876. At Port Hudson, in the land of the bulldozers, no negroes dared attend Republican meetings—the people powerless.

Ibid., Oct. 25, 1876. In terror stricken Ouachita colored men were shot for attending Republican meetings.

¹⁸⁹ *Ibid.*, Aug. 29, 1876. Copy from *New Orleans Democrat*. Radicals broke up a meeting of three hundred Democrats in New Orleans. Also Aug. 30, *New Orleans Democrat* says: "Three colored crippled Democrats were beaten by three strong negroes for attending Democratic meetings."

New Orleans Democrat, Aug., 1876, scattered *passim*.

¹⁹⁰ For my account of political campaign meetings I have used the following authorities: *New Orleans Republican*, *passim*, July, August, September, October and November, 1876. *New Orleans Democrat*, *passim*, July, August, September, October and November, 1876.

¹⁹¹ *Annual Cyclopaedia*, 1876, p. 484.

¹⁹² *Louisiana Democrat*, June 21, 1876. (Excerpt.) These villains who have been plotting these schemes of hell, reckon without their hosts—Blunt and Raby may inaugurate their midnight war, but ere sun-up their bodies will be suspended between Heaven and earth, and their accursed souls will have plunged into the deep dark, burning chasms of the damned!

the assertion that only negroes and Radicals were punished for infringement of the law. The Democrats indorsed the White League, and maintained that if there was a threat of violence, it was violence created in self-defense against a danger that threatened to sweep the white homes and children out of existence. On July 16th, the New Orleans *Republican* published a significant editorial, "They would conquer by intimidation," in which they made three direct accusations against the Democrats; (1) The Democrats go about in bands to slay colored voters and keep the survivors from the polls; (2) The Republicans of the South are to be intimidated, or killed openly or secretly assassinated. (3) The Democrats will slander the most pure if it may be done with impunity. Again:

The Democrats know they can subjugate the negro voter and practically compel him to renounce his suffrage, through fear of his life. They think they can so isolate and proscribe the white Republican that he will be compelled to abandon the South.

Again, July 18th:

More murder and more calumny. Whatever may be the violence of the whites, the negro is to be shot if he disturbs the unity of the white ticket, and shot if he dares to regulate the consistency of his own ticket.

Again the same paper on July 25th has an editorial, "The White League and Intimidation:"

It is true that the negro voter is in fear of his life! He dreads the denial of his rights, but he can read of the massacre of Colfax, of the assassinations in West Feliciana, of the invasion of South Carolina by unmasked Ku Klux, and feel that his only chance for safety lies in the ascendancy of Republican principles. We regard the claims of colored voters' submission to the White League bands as indicating such intimidation as to justify of itself the immediate dispatch of an adequate force to insure that the converts shall freely choose the ticket they intend to support.¹⁸⁸

August was no less turbulent than July, and on August 2nd the Radical paper arraigned General Nicholls for not restraining the Conservatives who had already, "begun their mischief.

¹⁸⁸New Orleans *Republican*, July 13-15-16-18-25 and 30, 1876.

Negroes are being run out of Richland, Morehouse and Tangipahoa Parishes by rifle clubs, midnight rangers and regulators. An armed force of forty regulators rode through a town of Tangipahoa, surrounded a grave yard where a colored funeral was going on, rushed through the streets yelling, howling, cursing niggers and firing their weapons. A colored man has just come fifteen miles by a circuitous route to say that something is afoot." At the same time several "outrages" were exposed in East Baton Rouge Parish; Isidore Herron was beaten; Lewis Brown was whipped; Elizabeth Russel's husband was shot; Charles Robertson was hanged. Granville M. Pierce, a Democrat, spoke of these happenings as discipline for the negroes who were stealing seed cotton and stock, but the Radicals considered them political capital and waved the "bloody shirt" on high.¹⁹⁴ Bull-dozers were bold in St. Helena Parish, and went unmasked as the fall election approached. An unsigned letter from Livingston Parish reported that armed men fired into a colored church. It was stated by Radicals that the campaign in DeSoto Parish was carried on by burning negro school houses and churches.¹⁹⁵ About August 27th, C. C. Antoine, in a letter to I. W. Patton, said that he hoped that the statement in the Democratic circular, "We have means of carrying the election, and hope to use them," was not meant to announce a set policy of intimidation, and Patton answered him by citing instances where intimidation had been practiced by Republicans against colored people who joined Democratic clubs.¹⁹⁶ The uprising of the negroes on The Island in Ouachita Parish was variously reported; by the *Picayune* of September 2nd, as the result of an order issued to the blacks by the negro Sheriff Hamlet to arm and march to Monroe to burn the town; by the New Orleans *Republican* as an attempt of the negroes to defend themselves against rifle clubs; by *Annual Cyclopaedia*, 1876, as a slight outbreak of race antagonism accompanied by no serious disorder.

On Wednesday, August 30th, B. H. Dinkgrave, Republican Tax Collector of Ouachita Parish was assassinated in broad daylight by an unknown foe,¹⁹⁷ and the month of September rolled in upon a wave of intense excitement—the Radical Republicans afraid for their political lives, the Democrat-Conservatives grimly

¹⁹⁴New Orleans *Republican*, Aug. 2-4-6-13, 1876.

¹⁹⁵*Ibid.*, Aug. 17-20-23, 1876.

¹⁹⁶New Orleans *Republican*, Aug. 27-30, 1876.

¹⁹⁷The Dinkgrave assassination is fully reported in Appendix C-5 this chapter.

determined to restore Louisiana to white supremacy, and to save their homes, their wives and their children from ruin and extermination. The New Orleans *Republican* of September 2nd gave a detailed list of thirty-seven outrages alleged to have been committed by Democratic bull-dozers, Regulators and White Leaguers, while other excerpts from Radical papers reflect the tension of the times:

Madison Parish will give a large Republican majority in a peaceable election. The Supervisor of Registration, faithful and honest, has been repeatedly threatened—fears for his life. Democrats on the train from Delta to Monroe openly exulted that they had Richland, Morehouse and Ouachita now that Dinkgrave was killed—said it was impolitic to hang niggers because it gave the Radicals a chance to wave the 'bloody shirt'—said it was better to run off, or kill, the Republican leaders—just parade the rifle clubs and the negroes would keep to their holes. Reign of terror in Morehouse.¹⁹⁸

The New Orleans Daily *Democrat* early in September published a scathing arraignment of the Radicals, saying that they were a mere league without political principles; a taxing and filching machine; that they committed outrages against law and constitutional government; that they gloated in tyrannical oppression and hideous corruption.

The *Republican* charged that negroes were fired at, beaten, run away from home by night riders in West Feliciana; the wife of a colored nominee to the Legislature was hanged until almost dead in East Baton Rouge; negroes were terrorized by bull-dozers in East Feliciana; Isaac Mitchell, colored, was beaten, shot at, left for dead near Bayou Sara by a band of disguised horsemen; rocks were thrown into a Republican meeting after dark in Caddo Parish.¹⁹⁹ On October 11th, near Monroe, Primus Johnson and Eaton Logwood, both colored, were shot by an unknown assassin—Johnson was killed and Logwood was badly wounded. At Laurel Hill, in West Feliciana, Brent Lanus and Nelson Matthews both colored, were flogged and on the Percy place, Marshall Gray, negro, was whipped by regulators. The Republicans cited these occurrences as having a deep political significance.²⁰⁰ Captain Hale, stationed in Monroe,

¹⁹⁸ New Orleans *Republican*, Sept. 10, 1876.

¹⁹⁹ New Orleans *Republican*, Sept. 13-19-23-29-30, Oct. 6-8, 1876.

²⁰⁰ *Ibid.*, Oct. 11-17-19, 1876.

gave a detailed report of the Logwood affair, in which he scored U. S. Deputy Marshal Dinkgrave, Judge Ray and Sheriff Hamlet.²⁰¹ On Saturday night before the election the last gun was fired in Ouachita upon the homes of Henry Pinkston and Cora Williams, negro laborers on the plantation of a Mr. Tidwell. Pinkston was killed and his wife, Eliza Pinkston, was wounded. Williams was run away from his cabin.²⁰²

Early in September, United States Attorney General Alphonso Taft issued instructions to the United States marshals as to the coming elections, in which he declared that they were responsible for all breaches of the peace of the United States, which diligence on their part might have prevented. He added that notorious events in several States rendered it the grave duty of all marshals who had cause to apprehend violations of the peace to be prepared to preserve and restore such peace, and that they were to use a *posse comitatus* when advisable. On November 3rd I. W. Patton wrote to U. S. Marshal Pitkin (vice Packard resigned), asking him to appoint, from the list forwarded, two special deputy marshals at each poll. In answer Pitkin wrote a letter of refusal to Patton, saying that it was Pitkin's place to preserve peace, and that he knew many on Patton's list were White Leaguers. Patton's response to Pitkin expressed his belief that there was no longer any doubt of the methods by which the Radicals proposed to defeat the will of the people on November 4th.²⁰³

As the end of the hectic campaign drew near, both sides were confident of victory at the polls. The battle had been hard fought at every step. Fraud and intimidation had been used freely by both parties. The writer has found it difficult to evaluate the partisan newspapers of the time (and there were no other kind), but after a careful perusal and study of available material, has reached the following conclusion: the Republicans, in control of the State political machinery, committed gigantic frauds in the manipulation of registration; the Democrats retaliated in kind, but were unable to make much headway. Fearful for the very life of Louisiana, and being determined to wrest their State from negro supremacy,²⁰⁴ they resorted to a campaign of terroriza-

²⁰¹ *New Orleans Republican*, Oct. 27, 1876.

²⁰² *Ibid.*, November 7, 1876.

²⁰³ *N. O. Republican*, Sept. 3-4-6, Nov. 5, 1876.

²⁰⁴ Appendix C-6. Letter of Hon. Chas. M. Barrow, Nov., 1927, attached to this chapter.

tion.²⁰⁵ The Republicans retaliated with scattered "outrages" upon negroes who joined Democratic clubs, and were anxious and ready to wave the "bloody shirt," to start the "outrage mill;" to proclaim riot, tumult and intimidation, depending upon the provisions of the Louisiana election law, under which the Returning Board was empowered to throw out votes upon evidence of such disorder.²⁰⁶

William Archibald Dunning sums up the campaign as follows:

"In the rural Parishes, the appeal to the blacks to abandon the Radicals, met with success and much cajolery and social pressure was used to keep the blacks from the polls . . . Open and systematic violence was rare . . . The Conservatives aimed to deprive returning Boards of a pretext for manipulating the vote . . . In some six parishes, where the blacks were numerous, the whites were brutal, and little effort was made by either party to insure order. The campaign was fought with vim and skill by both sides . . . The Republicans were on the defensive. . . . Hayes urged emphasis on the dread of a solid South and of Rebel rule. In the South the issues were of reconstruction . . . In the states held by the Conservatives there was no chance for Hayes, only in the three states still enduring carpet bag rule, Florida, Louisiana and South Carolina, was there any doubt of the outcome."²⁰⁷

A very eminent citizen of Louisiana wrote me in November, 1927:

"There is no doubt in the world that various methods of intimidation were resorted to, and where a population is reduced to desperation as our Southern people were, resort will be had to such measures. The intimidation and dishonest methods were all that saved the remnant of whites from extinction at the hands of black mobs incited by unscrupulous radical politicians."²⁰⁸

Like Cicero, they felt "Non est iam lenitati locus; severitatem res ipsa flagitat!"²⁰⁹

²⁰⁵Fleming *Sequel to Appomattox*, p. 293.

²⁰⁶Digest of Statutes of La., 1870, Sec. 55, Special Act 186 of 1870 not repealed by Sec. 71, Act of 1872.

²⁰⁷Dunning, p. 305.

²⁰⁸Letter to the author, Nov., 1927.

²⁰⁹*Second Catilinarian Oration*, Chap. IV. This is not the place for leniency; the situation itself demands severity.

¹⁵⁰APPENDIX C-1

Address to the People, February 10th, 1876. *Annual Cyclopaedia*, 1876, p. 483.

Extract: The time for decisive action has arrived. The ently obtained, and course is plain and straightforward. There must be an honest government in Louisiana, or they have determined at every cost to perpetuate the Returning Board which has heretofore exhausted by taxation, burdened with debt, suffering from the supremacy of ignorance over intelligence, will become a colony of convicts and the people; the home of depravity. The people will use no violence, but all means in their power will be employed to defeat the further rule of the vicious and ignorant in this State.

Whereas it is apparent that the Radical party of Louisiana, despairing of success by fair means, have resolved to pursue the same policy by which in the past they have been enabled to secure possession of the government of the State, and by the aid of Federal bayonets to re-

Whereas, it is evident that they have determined at every cost to perpetuate the Returning Board which has heretofore done so much to render futile our victories at the ballot box and to destroy the liberties of the people; Therefore Be It Resolved: That the Central Committee of the Democratic - Conservative Party of the State of Louisiana earnestly urges upon the Democratic and Conservative members of the Legislature to exhaust every means in their power to prevent such an outrage upon the people of Louisiana as the passage of an election bill containing any provision establishing the Returning Board with unlimited powers, or with any power to defeat the will of the people as expressed at the ballot box.

NOTE: The remaining appendices to this chapter will appear in the Third Instalment.

(To be continued)



THE GREAT STORM OF 1722 AT FORT LOUIS, MOBILE

Official Report of Louis Tixerant, Guardian of the Store of the Company of the Indies

Transcribed and translated from the original in the archives of the Superior Council of Louisiana at the Cabildo in New Orleans

By HELOISE H. CRUZAT

I.

TRANSLATION

On this day appeared before the Notary and Clerk of the Superior Council of the Province of Louisiana, residing at Fort Louis of the said Province, Sieur Louis Tixerant, Guardian of the Store of the Company of the Indies, residing in said place,

Who said and declared in the presence of all the said witnesses, that he went into the inclosure of the dry goods store for which he is accountable to the Company in order to examine the said store which was thrown down and entirely wrecked by the force of a great southeast wind which began yesterday and has not yet abated, and that the greater part of the merchandise in it is broken and destroyed by the wreckage of the store, which merchandise is seen to be in very bad condition from the wreckage as well as from the continual rains which have not ceased since two days.

That he afterwards went with the said witnesses undersigned to the sea shore where he perceived that several boats, shallops and other vessels (owned by the Company) had been thrown on the same coast; a number of them broken to pieces and no longer fit for service;

The said Tixerant will later on make proces-verbal of the loss, damage and theft of merchandise caused and done during the storm, and of such of it as may be found under the debris of said store, and also of the debris of said boats, shallops and other vessels lost and dashed to pieces during this storm, the whole belonging to the Company, he has required an act of this declaration to prove at the right time and place this which is notorious and in public view.

Done and passed at Fort Louis in the year one thousand seven hundred and twenty-two September twelfth, before noon, in the presence of Mr. Le Chevalier de Louboye, Commandant of this post; of Renaud D'Hauterive and Lamarque, Captain of the troops; Jerry de St. Denis,* and Huves de Terpuy, officer; Des Bonnes and La Salle, Delaperriere, all residing in this place, witnesses who with the said Tixerant, have this moment signed these presents as well as Delagoublaye, notary and clerk above mentioned and undersigned.

On the margin (signed) Delorme
(Signed) Delagoublaye.

I, the undersigned, Chief of the Bureaux of the Old Administration certify the present to be a true copy of the act on file in said Bureaux of the Ancient Administration, July 31, 1730.

Signed: "Morisset."

"Certified: D'auseville."

*Juchereau de St. Denis.



MARCHAND'S STORY OF ASCENSION PARISH REVIEWED

BY EDITH DART PRICE

THE Story of Ascension Parish, Louisiana, by Sidney A. Marchand, Donaldsonville, La., 1931, is told by an inhabitant of the parish who loves his subject. Mr. Marchand has carefully gathered together all the information available about Ascension Parish, going back to the very sources, and he has recorded in the order of their sequence what facts he found pertaining to the origin and history of the parish. The result is some one hundred and ninety-two pages of information that will serve as a reference for one interested in this particular part of Louisiana.

The author follows the development of Ascension Parish from the time of its occupancy by the savage Indian tribes of the Chetimaches, the Bayou Goulas and the Houmas, down through the present day inhabitation of the country by the descendants of the Colonial French, the Acadians, the Spanish, and the Americans. He gives census lists of the names of the inhabitants of the parish in full. He discusses the boundary lines of the parish at various periods of its development. He gives the establishment, with dates, of towns, villages and hamlets in the parish, as well as the establishment of Catholic and Protestant churches, hospitals, orphanages, schools, newspapers, railroads, banks, trans-Mississippi ferries, trails and modern highways. He tells of the laying out of streets and side-walks, of the installation of coal oil street lamps, the coming of electric lights, the telephone and the first auto; of fire-prevention and the reclamation of swamp lands; the coming of the post-office, the building of town halls and jails. And of course, he does not fail to detail how Donaldsonville was selected as the Capital City of the Commonwealth of Louisiana on February 4, 1825, although at the time its population did not exceed six hundred persons. Interspersed are details of how slavery, the Civil War and Reconstruction affected Ascension Parish.

In other words, "The Story of Ascension Parish" is a record, very well told, of civil development of a reclamation from the wilderness to the uses of civilization.

EDITH DART PRICE.

RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA
LII.

September-December, 1745.

(Continued from July, 1931.)

By HELOISE H. CRUZAT.

Marginal Notes by Henry P. Dart.

Memorandum by Editor of the Quarterly

The hereinafter named officials participated in the Sessions and/or took part in the work of the Superior Council of Louisiana during the period covered by this instalment of the Index, viz :

de Vaudreuil, Pierre Rigaud
Cavagnol, Governor
Le Normant, Sebastian Francois Ange, First Judge and Commissaire Ordonnateur
Salmon, Edme Gatien de, late Ordonnateur and First Judge
Henry, Nicolas, Notary and Clerk (Greffier)
Fleuriau, Francois, Procureur General
de Noyan, Gilles Augustin
Payen, Lieutenant of the King
Chantalou, Augustin, Sheriff
Lenormand, Marin, Deputy Sheriff
Raguet, Jean Baptiste, Councillor
Prat, Jean, Councillor

Le Bretton, Louis Cesaire, Councillor
La Freniere, Nicolas Chauvin de, Councillor
Cantrelle, Jacques, an employee
de Chanfret, Trenaunay, Commandant at Pointe Coupee
Potin, Bernard Louis, Notary at Pointe Coupee
Barbin, Francois Godefroy, Attorney for Vacant Estates
Des Closeaux, Jean Baptiste Claude Bobé, Councillor and Judge of the Department of Marine at Mobile
Flaucourt, Auguste de la Loere, sub-delegate at Illinois

Sept. 1, 1745.
2 1/4 pp.

An echo of the wreck of La Superbe.

(See La. Hist. Quarterly, January, 1928, also index for August, 1745, La. Hist. Quarterly, July, 1931.)

Petition to Superior Council by Francois Gallot stating that he has transferred a note signed by Sr. Neron for 198 piastres to be paid by some of the crew of La Superbe, and as one Louis Poitevin, called Lacadie has returned from the voyage he prays for citation of said Lacadie to act

solidarily for the absent ones, to be ordered to pay the said sum, nevertheless to seize in hands of Sr. Hervier, as administrator and interested with the Chevalier de Granier, the wages which may be due to Lacadie as well as the others named, considering their solidarity until full payment and costs.

Signed: F. Gallot.

Sept. 1, 1745. Permit to cite signed by Prat.

Sept. 1, 2 1/4 pp.

Gallot sues Lacadie, a sailor, for a debt owed by himself and others, with citation to Hervier, agent of Grenier, to hold any money due these defendants.

Sept., 1745. Notice of citation served on Sr. Hervier at his domicile in New Orleans; to Louis Poitevin to appear before Council at 9 a. m., to answer on above petition and hear ordered what is just.

Signed: Lenormand.

Left copy at domicile of Procureur General of the King; handing it to his negro servant. Signed: Lenormand.

Sept. 7, 1745. Notice of citation served on Sr. Francois Gallot to appear before Superior Council next Saturday at 9 a. m., delivering it to him in person.

Part of text destroyed in every page and signature on this page entirely eaten away.

Sept. 1.

26790. fo. 29.

4052. 2 1/2 pp.

Notarial procuration from Cap Francois, Santo Domingo, by Jos. de Lassus to Chevalier de Masan, Adjutant Major of New Orleans, authenticated by certificates of Sebastien Francois Ange Lenormant, Commissioner Ordonnateur of Santo Domingo.

Procuration granted before Notaries Royal of the jurisdiction of Cap Francois, Island of Santo Domingo, by Joseph de Lassus de Marsilly, resident of "La Plaine du Nord" to Chevalier de Masan, Adjutant Major of New Orleans, to collect all debts due to said constituent, at the same time revoking procuration given on Jan. 11, 1742, to Sr. Sevet, then chief clerk of Sr. Ratteau (Rasteau).

Signed: Lassusmarsilly. Gouaux. Bugard.

re
no R.

Sept. 2, 1744. Certification by Sebastien Francois Ange Lenormant, First Councillor of the Superior Council of Santo Domingo, subdelegate of the Intendency, Commissioner General of the Marine and Ordonnateur, that Bugard and Gouaux who signed the above act are Notaries Royal in said place, and that faith may be had in their signatures. "Given at the Cape under seal of our arms and countersigned by our Secretary." Signed: Lenormant. (Doct. in good condition.)

By my said Sieur
Delabroue.

(Seal)

Sept. 2.
26793. fo. 29.
4053. 3 pp.

Marriage contract of
Chenet-Aufroy, widow
of Gosserand, before Potin,
Notary, ad hoc, at Pointe
Coupée appointed as such
by Trenaunay Chanfret,
subdelegate of Lenormant.

Signed: + mark of mark of Francois
Charlotte Aufroy. +
mark of + Pierre Chenie. (Chenet)
Germain. Balquet. Jean Sudri.
paulle mourot. Roblot. Cappe.
and we, undersigned notary
Potin.

Sept. 2. 12 pp.

DeMembrede files answer
to the suit of his wife
for separation of property.
We have found very few
domestic brawls aired in
lawsuits in the French
Archives and records.
This one is useful not
only on this account, but
because of the philosophic
character and utter
frankness of the husband's
defense.

One of the oldest excuses
or explanations of the
cause of a black eye is
here recited as an actual
occurrence that in this
instance was received by
the wife through the
sudden opening of a door
while she was eaves-
dropping on her husband.

The Superior Council
ruled that the plaintiff's
proofs were "nonclusive"
and dismissed the suit
Oct. 2. (See that entry).

Answer and Defense made before Our Lords
of the Superior Council by Sr. de Mem-
brede, Captain of Infantry, against his
wife's accusations of appropriating her
children's goods from their father's es-
tate, of cruelty, and abuse towards her.
Mr. de Membrede defends himself point
by point, he asserts that Mme. de Mem-
brede entered into contract of marriage
without wishing to bear its yoke, that she
has no idea of the obedience a wife owes
her husband. As to the marks on her
face: The scratches were inflicted by her-
self and the lump came from her curios-
ity. Talking with a friend and not
supposing that she had put her ear to the
door, he opened it to go to his room and
she was struck by the latch. He has
treated her with all the gentleness and
tenderness to be expected from a hus-
band, remonstrating with her for her extravagance; if her life
was ever in danger, it was through illness, when he cared for
her with assiduity, and not through any attacks by him, which
can be proven by surgeons and physicians. She opposed sales
he wished to make in the interest of his stepson. When he left
for Illinois he left in her possession five thousand boards valued
at 16000 livres and a letter of exchange granted him by the
King for his salary and that of Sr. Bertet which he bought to
serve his wife. As to separation of goods between them, she
should have begun by an act of renunciation of community
between her husband and herself, secondly to validate said

renunciation that inquiry be made into his life and morals; Thirdly investigation of expense, waste and prodigalities without cause nor rule and as for separation from bed and board, there are other means which will be hereafter discussed. Sr. de Membrede prays that his wife's claims be denied with costs on community.

Signed: Membrede.

Order to cite parties before Superior Council.

Signed: Lenormant.

Notice of citation served on Sr. and Dame de Membrede at their respective domiciles by Sheriff Lenormand.

Sept. 7.
26796. fo. 29.
4054. 2½ pp.

Marriage Contract
executed in Pointe Coupée,
Vaiseram and Jollet. The
groom was a German.

Signed: (Vaiseram signs in German). pier durocher.
marie marguerite Sara. Vincent le proche.
SamBang Coq. Potin, notary.

Sept. 9.
26801. fo. 29.
4056. 3 pp.
See Aug. 4, 1745.

Agreement to go in search
of Chevalier Grenier
supposed to have been
lost in the wreck of
La Superbe.

tevin, who was among the eight who reached the Belize in a canoe, agrees to accompany Blanpain on conditions enumerated.

Signed: blanpain. hervier. Chantalou. Lenormand.
Henry, notary.

Sept. 9.
No. 1049.
No. 109. 1½ pp.

Inventory of the Estate
of Jean Francois Richelme,
a former schoolmaster on
Dauphin Island.

proceeded to have produced by the Rev. Mother Hospitaliere a locked chest containing money, papers, a will dated June 6, 1710, a passport from Madeira and wearing apparel, remitted to Sr. Barbin, Attorney of Vacant Estates.

Signed: fleuriau. Barbin. (Charred with ragged margins.)

Marriage Contract passed at Pointe Coupée between Jacques Vaiseram, in margin: (Vaiserain), a native of the Parish of St. Falix, Kergure and Marguerite Francoise Sara, widow of Pierre Jollet, a native of Metz in Lorraine, daughter of Isaac Le-grand and Sara, her parents.

Agreement between Pierre Hervier, superintendent of the cargo of the boat La Superbe, under Chevalier Grenier and Sieur Joseph Blanpain who has just returned from a voyage undertaken to find the Chevalier with some of his crew who are still missing. The purpose is to make another effort to find the missing persons. One Lacadia, otherwise called Louis Poi-

tevin, who was among the eight who reached the Belize in a canoe, agrees to accompany Blanpain on conditions enumerated.

Inventory of goods of deceased Jean Francois Richelme, former schoolmaster at Dauphin's, who died at the King's Hospital. On request of the Procureur of the King, Councillor Prat, the Greffier of the Council and the Attorney of Vacant Estates verified his death at hospital and

Sept. 10.
26805. fo. 29.
4057. 2 1/4 pp.

26807. 1 1/4 pp.
List of Negroes owned
by the Estate of the
Soubaigne, wife of one
and mother in-law of
the other appearer.

Declaration in Registry by Sr. Nicolas Rousseau and Sr. Antoine Rousseau, his son, of the negroes of succession of deceased Sr. Soubaigne, former husband of Anne de Gravelle and of Sr. Hurlot whose widow said Antoine Rousseau married who was the daughter of said Soubaigne and Anne de Gravelle.

Signed: Roussau. antoine Roussau. Henry, Greffr.

Statement of negroes from succession of deceased Sieur Soubaigne.

Statement of negroes of succession of deceased Sieur Hurlot.

Signed: Antoine Roussau.

Sept. 10. 3 pp.

Contract to furnish
parchment skins in
exchange for blue beads.

blue beads, whereof 50 pounds have been received on account.

Reverse page: Oct. 25, 1745. Undersigned Pictet has received of Mr. Dupont Le Kintrek and in discharge of Mr. Blanpain 420 skins weighing 703 pounds. Mr. Dupont has paid the deficit, 180 skins in cash balance of contract.

Sept. 12. 2 pp.

Paul Rasteau sues Belhumeur for debt due on lumber and obtains a seizure of the defendant's property, but at plaintiff's risk and peril.

Petition to Superior Council by Paul Rasteau for citation of Belhumeur for recovery of the sum of 2121 livres, 15 sols, in current specie for lumber, with interest and costs.

Sept. 12. Order to cite. Seizure permitted at risk and peril of the petitioner.

Signed: Lenormant.

Notice of citation served on Sr. Belhumeur and copy of Sr. Rasteau's petition left with him by Sheriff Lenormand.

Sept. 13. Decree of Council and order for seizure served on Sr. Le Clerc, called Belhumeur by Sheriff Lenormand. Document badly stained, torn and curled and worm eaten through both pages, destroying part of the text.

Sept. 14.
26813. fo. 29.
4059. 1 p.

Appeal from judgment rendered in Illinois on April 2, 1745.

Declaration in Registry of Superior Council by Sr. Louis Alexandre Thibierge, resident of Illinois, that he has appealed from judgment rendered in the jurisdiction of Illinois, defendant on the Superior Council of this Province, April 2, 1745, in favor of Marin de La Marque, for wrongs and grievances that said Thibierge suffered from said sentence.

Signed: thibierge. Henry, Greffr.

Sept. 16. 2 pp.

Suit for money due for calking the "Corsaire" at Bayou St. John.

See answer of Judice, Sept. 30th, 1745.

*Jean Pierre Hardy called La Vierge has figured in these records in several suits.

Captain Roy and Mr. de Rochemore the . . . (so pale as to be illegible), who have signed this present for me as certificate, and petitioner prays that justice may be done.

Signed: jean pierre hardy.

Sept. 16. Declaration that the money was turned over to Sr. Judice signed by Rochemore.

Slip.

Sept. 17. Certification by Sr. Judis (Judice) the elder that he received a . . . (illegible) worth sixteen piastres given by Sr. La Vierge in part payment for calking of the "Corsaire" by Jacques Coriou for which he charged thirty-five piastres for which we credited account of Sr. Judis on amount of sale of boat which was 450 piastres.

Signed: Charles Le Roy.

Sept. 28. Notice of citation before Council served on Sr. Judic Sr., on petition of Jean Pierre Hardy, at his domicile in New Orleans by Sheriff Lenormand.

Sept. 18.

2 pp. N. P.

Action by St. Martin to recover a debt due by a resident of Pointe Coupée. The latter's answer shows that the claim is part of an adjustment and settlement growing out of an advance made by Paul Rasteau, merchant of New Orleans in 1737-9, to Thomas Raymond of Pointe Coupée.

The analysis of the record is not all that might be desired, but it shows the long credit and the delays in collection that seemed to be the rule in those days.

Sept. 18. Answer and defense made to Superior Council by one Le Clerc, called Belhumeur, resident of Pointe Coupée co-debtor to the succession of deceased Thomas Raymond, also of Pointe Coupée. He recites the relations between the decedent and Sr. Paul Rasteau resident and merchant of New Orleans resulted in a claim by the latter for 2072 livres, due on merchandise and notes advanced to deceased Thomas Raymond for the years 1737 and 1739, Sr. Belhumeur did not pay the same for want of funds. Sr. Rasteau prays that this sum be paid to him in the currency of the moment. Sr. Rasteau gives details of the sums paid for account of said deceased Raymond

Petition to Superior Council by Etienne de St. Martin for citation of Sr. Le Clerc, called Belhumeur for recovery of the note annexed, for 283 livres, dated Dec. 11, 1744.

Signed: St. Martin.

Permit to cite (signed:) Prat.

Sept. 20. Notice of citation before Council served on Sr. Belhumeur at his domicile in New Orleans, on petition of Sr. St. Martin, by Sheriff Lenormand.

Sept. 18. Answer and defense made to Superior Council by one Le Clerc, called Belhumeur, resident of Pointe Coupée co-debtor to the succession of deceased Thomas Raymond, also of Pointe Coupée. He recites the relations between the

and Le Clerc, alais Belhumeur agrees that the sum of 828 livres, 16 sols, be fixes as per ruling on adjusting of finâces.

Signed: Le Clerc.

Sept. 26.

Letter to Pointe Coupee.

Letter to Dupont Le Kintrek (Pointe Coupee) by Blanpain. Detailed allusions to their business affairs including the transaction elsewhere noted in skins.

(See entry above Sept. 10, 1745).

No date. 1 p.

Itemized account of bill due by Bernard de Buscaron to Durante. (Also written Durantay).

Sept. 27.

26817. fo. 29.

4062. 11 pp.

The wreck of La Superbe.

Declaration in Registry of Superior Council by Chevalier Grenier who arrived here this eve. He gives full account of the shipwreck of the Superbe and of his voyage from March 14 to his entry into the Mississippi Sept. 22, 1745, in the boat *Notre Dame de la Guadelupe*, commanded by Dom François Bomonde, in which they embarked on Aug. 31, 1745.

Signed: Le Chr. Grenier.

1 1/4 pp.

Chevalier Grenier reports his adventures following the wreck of the La Superbe. (See the full story in *La. Hist. Quart.*, XI, January, 1928).

Included in this document: Declaration of Sr. Duhamel, Marine Officer who arrived with Sr. Grenier, concerning remittance to him by Sr. Forstall Jr. He was compelled to have his trunk (containing the gold bars) thrown into the sea, which being cast ashore was saved but afterwards pillaged by the savages.

Signed: Le Cher. Grenier. S. Chauviere. Tixerant fils. du hommel. Henry, Greffr.

Sept. 28. 1 1/2 pp. **Petition** to Superior Council by Le Gros, *Suit for debt.* called La Tendresse, for citation of Janelle, a carpenter, for recovery of fifty-eight livres due since last July 21st and 23d.

Signed: Legros.

Sept. 28. Citation to appear at next session of Superior Council. Signed: Lenormant. Sept. 30. Notice of citation served on Janelle at his domicile with copy of petition by Sr. Legros.

Signed: Lenormand.

Sept. 28.
2 pp. N. P.

Paul Rasteau invokes the action of the Court to compel Barbin, Attorney for Vacant Estates to pay a debt due Rasteau by the deceased Mallot.

Petition to Superior Council by Sr. Paul Rasteau for citation of Sr. Barbin as Attorney of Vacant Estates to be sentenced to pay said Rasteau what is due to him by succession of Mallot.

Signed: P. Rasteau.

Permit to cite. Signed: Prat.

Notice of citation served on Sr. Barbin, Attorney of Vacant Estates, at his domicile in New Orleans, by Lenormand.
(This last page so pale as to be illegible.)

Sept. 28. 6 1/4 pp.

Judgment of Superior Council.

Aufrere, curator of his daughter, Francoise, wife of Gerard Pery vs. Gerard Pery.

Mrs. Pery being a minor, her father, as curator, has sued to recover the money and effects brought by her into the marriage with Pery, the defendant.

This abstract is obscure and altogether quite insufficient, but enough appears to show that proof was made to the council that Pery was financially embarrassed, and that his wife's property rights were endangered. Judgment was therefore rendered in her favor authorizing her to sell the defendant's property to enforce her privileges.

Excerpt from Register of sessions of Superior Council of Sept. 28, 1745.

Decision in case of Aufrere as curator of his daughter Francoise, wife of Gerard Pery, plaintiff vs. said Gerard Pery, defendant:

Sr. Antoine Aufrere was authorized to prosecute for his daughter's rights in view of her minority and to have inquiry made to prove that Sr. Pery, her husband, made her incur considerable losses.

The inquiry having been submitted to the Council it was declared good and valid and that she shall take the sums she brought into the community as an advance on her inheritance as stipulated in her contract of marriage.

Notice served Sept. 30 on Madam Gerard Pery residing at her father's house in New Orleans, by virtue of decree ren-

dered Sept. 28. This notice recites that by virtue of the decree rendered by Council notices were posted on the "door of the place of the Council, the door of the parochial church at the issue from High Mass, on the levee at the place where the market is held, on a post called the pillory, and the fourth and last notice on the door of the Registry of said Council, so that none may pretend ignorance."

Signed: Chantalou.

The marriage contract was passed before Notary Royal of Louisiana between Sr. Gerard Pery, officer of Town Militia, wholesale merchant of this city, legitimate son of deceased Sr. Jean Pery, notary royal of Bordeaux and of Dame Marie David, a native of Bordeaux and Delle Marie Francoise Aufrere, daughter of Sr. Antoine Aufrere and Dame Mathurine Guillemot, a native of New Orleans, Bishopric of Quebec.

This contract establishes the fact that she brought at her marriage the sum of 20000 livres cash, as an advance on her inheritance, movables and immovables with appraisement of same, cattle, jewels, wearing apparel, a note for 4000 livres,

payable in a year, forming her dowry, one-third of which will go into the community, etc.

Note signed by Sr. Aufrere for 4000 livres, Oct. 1, 1743.

Receipt to Mr. Aufrere by Gerard Pery for 4000 livres, May 10, 1743.

Sept. 28.

Aufrere, Curator of Mrs. Pery vs. Gerard Pery, her husband.

Documents found in the file which were probably part of the evidence adduced in support of plaintiff's case.

sols, 2 deniers, as certified last December 27th and costs, under penalty of bodily apprehension.

Signed: By the Council. Henry, Greffr.

Petition to Superior Council by Sr. Antoine Aufrere that forced sale be made of all movables and immovables of Sieur Gerard Pery, husband of Francoise Aufrere, and returns be deposited in Registry until distributed to whom shall appertain.

Order for sale signed by Salmon, April 17, 1744.

Sept. 18, 1744. Notice served of above petition and permit on Sr. J. B. Prevost, Agent of the Company of the Indies.

Signed: Beaupré.

Sept. 19, 1744. Notices of different sales of Sr. Pery's goods and inventory and appraisement of same, all together amounting to sum of 1433 livres, according to proces verbal of seizure signed by Fleuriau, Prevost and Beaupré.

Petition to Superior Council by Francois Aufrere, wife of Sieur Pery, under authority and with consent of her curator Sr. Aufrere, for citation of Sr. Prevost, who holds procuration of Sr. Jung of Bordeaux, chief creditor of Sr. Pery, that he may be informed of her rights, following her contract of marriage.

Permit to cite signed by Raguet.

May 24, 1745. Notice served on Sr. Prevost, Agent of the Company of the Indies, and attorney of Sr. Jung to appear before the Council at eight a. m. to answer on petition of Francoise Aufrere, wife of Gerard Pery.

Signed: Lenormand.

Document badly water stained.

Sept. 28. 3 pp.

Olivier de Vezin vs. Dubreuil and Dalcour to recover value of merchandise shipped on L'Elephant, on the ground that defendant's insured said goods.

Petition to Superior Council by Sr. Olivier de Vezin, for citation of Srs. Dubreuil and Dalcour on whose advice and assurance he embarked his merchandise on the King's ship L'Elephant, to hear them-

The judgment rendered Oct. 2, 1745, (see that entry), shows there was in fact an insurance agreement and plaintiff was given judgment for his claim.

selves sentenced to pay petitioner the sum of 560 livres.

Sept. 28. Order to cite at next session of Superior Council. Signed: Lenormant.

Notice served on Sr. Olivier de Vezin, on Sr. Du Breuil to appear before Council

on the following Saturday at nine o'clock in the morning.

Signed: Lenormand.

1 p.

This is the first mention of insurance found in our French records.

and Dalbert. Signed by Olivier Devezin at New Orleans Sept. 29, 1745.

These documents badly stained.

Sept. 30.

3 pp. N. P.

Jacques Judice answers the suit of Hardy and alleges that the Corsaire was fitted up to prey upon the English, but she was sold by Rochemore and Roy and the expedition prevented. (See Sept. 16, 1745).

Letter of Jacques Judice stating that he is unable to appear before Council and hopes that Mr. Prat will justify him. The quadrant at the time of the fitting out of the pretended "Corsaire" at the Bayou was given to Jacques Coriou by Sr. Roy. He does not know who gave it, Blanpain or La Vierge, for both claim it and he has annexed the bargain made between Coriou and Roy.

Acknowledges receipt of 1040 livres from associates and for his interest he alone had invested 42 livres which amounts to 1682 livres, 15 sols, for this enterprise, and moreover 642 livres, 15 sols in specie which I put in it for work and provisions for our folks, etc.

In fine this enterprise which was to make a fortune and this boat which was to take all the English, whereas as a certainty Sr. Rochemore and Sr. Roy sold the boat and made division between the interested parties as they chose incurring only one third of the loss, besides Roy was paid for his work and will again have a salary as Captain and he was obliged to be satisfied with what they please to give him being ill at the time. They are mistaken when they say that the bill and quadrant were passed; he still has the book written by Sr. Roy and it may be seen that the quadrant is not there carried. Not knowing into whose hands it fell he cannot justify himself but by the receipt of the sale which he sends.

Signed: Judic Laisné.

Signed: Jacque Judice.

1 p.

Acknowledgment by Sr. Le Roy that he hired Jacques Coriou to calk the boat at the Bayou belonging to Mr. Judice, for the sum of thirty-five

piastres, half to be paid cash, and the other half when his work would be completed.

Made in duplicate and in good faith, on the 13th day of March, 1745.

Signed: Jacques Corioux.

He says that his work is manual labor.

Signed: C. L. R.

Received a quadrant on account of the said thirty-five piastres for the other part which is done, New Orleans, March 13, 1745.

Signed: Jacques Corioux.

Oct. 1.
26835. 4065.
fo. 29. 1 p.

Report of the runaway negro slaves, supposed to have been enticed by an Indian slave of Mr. Verret.

and brought back to Mr. Verret, his master, by Boisclaire's overseer.

Signed: Boisclaire. Henry, Greffr.

Oct. 1. 1 1/4 pp.

Raymond St. Martin as agent of Laniel and his wife sues Barbin, Attorney for Vacant Estates, for the delivery of the effects of the succession, of J. B. La Riviere of Illinois.

Estates the returns of the succession of Jean Baptiste La Riviere, who died in Illinois. Considering the procuration hereto annexed the petitioner prays to be authorized to same and asks for citation of Sr. Barbin to be ordered to remit all sums, papers and titles of said succession.

Signed: St. Martin.

Permit to cite signed by Prat.

Oct. 8. Notice of citation served on Sr. Barbin on petition of Sr. St. Martin acting for Antoine Laniel and his wife Marianne Urbin.

Signed: Lenormand.

Oct. 2.
No. 1062. 5 pp.

Judgments rendered by Superior Council.

closeaux, Commissioner; Lafreniere, Prat and Le Bretton, Councillors.

Session of Superior Council of Oct. 2, 1745.

Were present Mr. de Vaudreuil, Governor; Le Normant, Ordonnateur; Gatien (Edmé Gatien de Salmon) First Judge; de Noyan, Lieutenant of the King; Des-

Judgments rendered in following cases:

De Vezin v. DuBreuil.

1. Sr. Olivier de Vezin, plaintiff, vs. Sr. Du Breuil, defendant. Text entirely destroyed.

There is, however, another paper that gives the particulars. It is recited in this fragment that Sr. de Vezin's petition showed that having merchandise to send to France he was unwilling to send same by the "Elephant" on account of the war with the English. Sr. Du Breuil in his name and that of his associate, Sr. Dalcour, offered to "assure" (insure) them saying that he had "assurances" in France for much more than he could send, which "obligated" (induced) the owner to send the merchandise by said ship on Sr. Du Breuil's word. The copy of the bill of lading signed by Mr. Sallette, the captain, and by Rochemore, purser of the said ship, and beneath said bill of lading the certificate of said "assurance" signed by Sr. Du Breuil and appraisement of said merchandise, on which de Vezin paid the premium (30%), and as the said ship, L'Elephant, was taken by the English he prays that Srs. Du Breuil and Dalcour be cited to pay the sum of 560 livres interest and costs.

The judgment seems to have been in plaintiff's favor with a delay of one year for payment and costs were divided.

Guedon v. Haville and LaCroix.

2. Between Sr. Guedon, plaintiff, vs. Haville and La Croix, defendants. Judgment against defendants who must pay to plaintiff the sum of eighty-three piastres, interest and costs.

Gallot vs. Poitevin.

3. Between Sr. Gallot, plaintiff, vs. Sr. Poitevin, called Lacadie, defendant: Council has sentenced defendant to pay the contents in notes, nevertheless promising to seize in hands of Henry the cash deposited until full payment and costs.

Gautherot vs. Lorrain.

4. Between Gautreau (Gautherot) as husband of daughter of Lorrain, called Tarascon, plaintiff, vs. Jacques Lorrain, called Tarascon, his father-in-law, defendant: Council orders Jacques Lorrain to render account of his deceased wife's estate and forbids him to place slaves or any other effects of said succession until final decision. Costs pending.

DeBenac vs. (illegible).

5. Case of Chevalier de Benac for himself as well as for Thomas _____, defendants: Council sentences defendant to pay to plaintiff the sum of 2172 livres, and costs.

(Worm eaten and part of text destroyed).

**St. Martin vs. LeClerc
for plaintiff.**

6. Between Etienne St. Martin, plaintiff, vs. Le Clerc, called Belhumeur, defendant. Defendant ordered to pay 172 livres as per face of his note and costs.

Fr. Charles, Superior of the Capuchins vs. Succession of Dausseville, for plaintiff for parochial (church) assessment.

7. Between Fr. Charles, Superior of the Capuchins, plaintiff, vs. Sr. Barbin, Attorney of Vacant Estates, charged with succession of deceased Sr. Dausseville, defendant: Council sentences Sr. Barbin to pay Fr. Charles the sum of 150 livres assessment on Dausseville plantation for parochial debt for which he will be given valid discharge and to costs.

Rasteau vs. succession of Malot, for plaintiff.

8. Between Sr. Rasteau, plaintiff, vs. Sr. Barbin, Attorney of Vacant Estates, charged with succession of deceased Malot, defendant: Council orders Sr. Barbin to pay sum claimed by Sr. Rasteau, with valid discharge. Costs on succession.

Branet vs. DeBreuil for plaintiff.

9. Between Lorance Branet, plaintiff, vs. Sr. Du Breuil, contractor for public buildings, defendant: Council orders defendant to render and settle account with plaintiff in fifteen days at latest. Costs pending.

Approval of act between Chaperon and Tixerant.

10. Between Sr. Chaperon, plaintiff, for homologation of an act passed between said Chaperon and Sr. Tixerant: Council considering the conclusions of Procureur General and the act orders homologation of same to be executed in its form and tenor.

Hardy vs. Judice, Interlocutory order.

11. Between Jean Pierre Hardy, plaintiff, vs. Jacques Judice, defendant: Council orders that accounts of partnership be produced and examined to be passed on at the next session of Council. Costs pending.

Dupart vs. Aufrere for plaintiff.

12. Between Sr. Delisle Dupart, plaintiff, vs. Sr. Antoine Aufrere, defendant: Council orders defendant to turn over memorandum and all reports of Dausseville succession to plaintiff. Costs pending. (Text partly destroyed).

Registration of letter of the King fixing price of flour.

13. Between Louis Alexandre Thiberge and Louis Marin de La Marque: Council orders registering of King's letter in the Registry of the Superior Council for execution in its form and tenor.

Considering the ruling of the King on flour and _____, on date of March 1, 1744, the Council gives the ruling and edict of the King for execution in its form and tenor.

Mrs. Membrede vs. her husband. Plaintiff's suit dismissed. (See defendant's answer Sept. 2, 1745).

14. Between Dame Francoise Ruellan, former Widow Pellerin, now wife of Sr. Membrede, plaintiff, vs. Sr. de Membrede, for separation from bed and board and property: Council after hearing declares the inquiry noncon-

clusive denies the claim in this instance and condemns community to bear costs. (Part of text worm eaten).

Signed: Vaudreuil. Lenormant. Noyan.
Bobe Descloseaux. Le Bretton. Lafreniere. fleuriau.

Oct. 2.

De Vezin's case (see above).

Fragment of copy of Judgment of Superior Council of Oct. 2. Gives synopsis of de Vezin's claim but the text of the judgment is in bad shape.

Oct. 2. 2 pp.

Petition of a tutor to sell at auction the lease of slaves belonging to his wards. (See Oct. 16.)

Petition to Superior Council by Francois Gallard,* as tutor of minor children of Sr. and Dame Petit de Coulanges, for permit to publish sale of leases of negroes, owned by said minors for three years.

Signed: Lenormand for Sr. Gallard.

*Gallard de Chamilly.

Council orders that notices be posted and that sale of leases be made after complying with all formalities.

Signed: Vaudreuil. Lenormant.

Oct. 2. The Procureur of the King orders publication of auction.

Notice of auction sale.

Oct. 10. Notice of sale of leases, before the Procureur General of the King, of slaves of Sr. and Dame Petit de Coulanges, in the interest of their minor children. Adjudication of leases to take place on the sixteenth of the present month at nine o'clock a. m.

Signed: Lenormand.

Oct. 3. 6 pp.

Part of a journal only half filled concerning shipments and assignments.

of shippers or consignees.

It is stained with torn margins.

(Not signed).

Book of Recapitulation. Seems to be part of a journal beginning Oct. 3, 1745, to the last of June, 1747, listing certain shipments and consignments, with lettering of the bills of lading and names

of shippers or consignees.

It is stained with torn margins.

(Not signed).

Oct. 5.

26838. fo. 29.

4067. 2½ pp.

Layssard & Bros. file a declaration regarding the cargo of L'Elephant captured by the English.

Declaration made in Registry of Superior Council on demand of Sr. Etienne Layssard & Bros., wholesale merchants, by various persons for whom they shipped goods on the Elephant which on its return voyage to France was taken by the English. These declarations were made to protect account and risks of individuals in France, the declarers testifying to the quality, quantity and value of goods shipped.

Certification by Sr. Demouy that he sold and delivered to Mr. Layssard 14090½ pounds of indigo, at 3 livres per

pound, and that the said indigo was shipped on the ship l'Elephant. Demouy.

Signed: Demouy. Bellair. Parisel Jesuits. fabry. Henry, notary.

Oct. 6. 1 p.

Councillor Pasquier files a petition denying the claim of Sr. de Beausne for costs, incurred in reference to Treasury notes.

by the Commissioners of the Company of the Indies, and if the costs were 100 piastres Sr. de Beausne and not the minors must bear them the loss as it was due to his negligence, wherefore he prays that Sr. de Beausne be non suited and pay costs.

Signed: Pasquier.

Oct. 9.

26841. fo. 29.

4068. 4 pp.

Procuration from the former owners of the Chaouachas Concession, to Francois Fleuriau.

This is by the same persons who executed the original procuration, printed in the La. Hist. Quart., October, 1925.

Most High and Mighty Lord Esprit Juvenal d'Harville des Ursins, Knight and Marquis de Trainal, residing at Paris, in her hotel on Grenelle Street, Quartier St. Germain, Parish St. Sulpice; by Messire Gerard Michel de La Jonchere, Councillor of the King in his Councils, Commander and Treasurer General of the Royal and Military Order of St. Louis, residing in Paris, St. Honore Street, Parish of St. Roch; all associated in Concessions in the Colony of Louisiana, in America, granted to them by the Company of the Indies, who have constituted

This new procuration is to collect the balance of the purchase price of the sale of the plantation.

Petition to Superior Council by Sr. Pasquier, Councillor, stating that it is true that Sr. de Beausne negotiated some treasury notes he had in deposit and that he could blame no one but himself if there were costs for not paying at the time prescribed by the Commissioners of the Company of the Indies, and if the costs were 100 piastres Sr. de Beausne and not the minors must bear them the loss as it was due to his negligence, wherefore he prays that Sr. de Beausne be non suited and pay costs.

Procuration to Francois Fleuriau before Councillors of the King and Notaries Royal at Paris, by Monseigneur Charles Louis Auguste Fouquet, Duke of Belle Isle, Marshal of France, Knight of the orders of the King, residing in his hotel on Bourbon Street, in Paris, Quartier St. Germain des Prez, Parish of St. Sulpice; by Most High and Most Mighty Lady Louise Madeleine Le Blanc, widow of

Most High and Mighty Lord Esprit Juvenal d'Harville des Ursins, Knight and Marquis de Trainal, residing at Paris, in her hotel on Grenelle Street, Quartier St. Germain, Parish St. Sulpice; by Messire Gerard Michel de La Jonchere, Councillor of the King in his Councils, Commander and Treasurer General of the Royal and Military Order of St. Louis, residing in Paris, St. Honore Street, Parish of St. Roch; all associated in Concessions in the Colony of Louisiana, in America, granted to them by the Company of the Indies, who have constituted as their special attorney Mr. Francois Fleuriau, Procureur General of the King in the Superior Council of the Province of Louisiana, whom they empower to receive from

Sr. Charles Favre d'Aunoy and Joseph Assailly, in current money of France or in indigo, deduction to be made thereon for the current price in the Colony in money of France, terms of payment due and to fall due of the one hundred thousand livres due by them to my Lords and Lady constituents for price of a concession situated at the district of the Chaouachas, in the said country of Louisiana, sold with all its appurtenances and dependencies to Srs. d'Aunoy and Assailly by contract passed before Henry, Notary Royal, by Mr. de Bienville, Governor, and Mr. de Salmon, Commissioner of the Marine, Or-

donnateur and First Judge of the Superior Council, by virtue of procuration of said associates passed before D'Aoust L'Ouder undersigned. Sept. 10, 1737, according to the Minute remaining in their hands, —, terms of payment, — shipment, etc. Passed at Paris, March 14, 1744.

Signed: D'aoust (paragraph)

Bontemps (paragraph)

Certification that Bontemps and D'Aoust are notaries by the Provost of merchandise, Sheriff in the City of Paris. Seal of the City of Paris affixed to document March 26, 1744.

Signed: Prevost. Baizé. De Bougainville. Puvre.

Sealed on the same day by Hastanier.

Oct. 9, 1745. Deposit made in the Registry of the Council by Fleuriau, Procureur General of the King to whom this procuration was sent by the aforementioned constituents.

Seal of the Provostship of the City of Paris.

Document well preserved.

Oct. 15. 1½ pp.

Petition to Mr. Le Normant by Pierre Mondion, for citation of Widow Marin to hear

Suit to prevent defendant from setting up title to real property in New Orleans.

herself sentenced to produce all papers concerning the ownership and sale of two lots and to desist from possession of same

in favor of petitioner.

(No signature).

Oct. 15. Order of citation signed by Lenormant.

Oct. 18. Notice of citation served on Widow Marin on petition of Sr. Mondion by Sheriff Lenormand.

Oct. 16.

No. 1063.

No. 470. 3 pp.

Adjudication of leases of slaves owned by minor heirs of Sr. Petit de Coulange and Francoise Chamillay, on petition of Sr. Francoise Gallard de Chamilly.

Adjudication of leases signed: Tixerant. Chamilly.

Lenormand. fleuriau.

Oct. 16. Bond furnished for Mr. Tixerant by Mr. Gallois de la Brosse. Signed: DeLa Brosse.

Document stained and slightly torn at upper margin.

Oct. 18.

26848. fo. 29.

4070. 1½ pp.

Acknowledgment of debt by Houssay, Marine officer, to Ignace Petit, boarding house keeper.

Acknowledgment of indebtedness of 700 livres by Sr. Richard Paul Villain de la Houssay, Marine Officer, to Ignace Petit, boarding house keeper. About to embark for France, Sr. de la Houssay obligates himself to have this sum paid on his arrival by Mr. Charles Henry de Paul Villain his brother, Cure of St. Pierre of the Chatel at Rouen, for

security of which payment he hypothecates his movables and immovables, electing his domicile in the city of Rouen.

Signed: *poil villain de la houssay. Lenormand. Chantalou. Henry, notary.*

Document in good condition.

Oct. 18.
26850. fo. 29.
4071. 2½ pp.

Procuration by Jean Baptiste Claude Bobe des Closeaux, commissioner of the Masine and acting First Judge at Fort Conde of Mobile to trace and recover goods shipped him by the Elephant and the Chameau.

This instrument gives us the full name of a prominent man of the era. It is interesting to know that his signature is Bobe Descloseaux.

Oct. 19.
26853. fo. 29.
4072. 1½ pp.

Claude Bobe Descloseaux files in the registry, an answer to a suit for 29260 livres, due by him for slaves and authorizes J. B. Prevost to hold same until action is had on his plea to reduce the "Excessive Price" of the slaves.

(See preceding note on the signature of Des Closeaux).

which he cannot now meet, until Council reduces price on said negroes, is due to the excessive price of said negroes, which obliges him to give as security Mr. Jean Baptiste Prevost who will be intrusted with said slaves and will produce them when so required by Sr. Henry, consenting to seizure in possession of Sr. Barbin, all of which Sr. Prevost has voluntarily accepted.

Signed: *Bobe Descloseaux. Henry (paraph). Prevost. Chantalou. Lenormand.*

Document in good condition.

Oct. 19.
26855. fo. 29.
1¾ pp.

Des Closeaux gives procuration to J. B. Prevost on the matter covered in the preceding entry.

Procuration granted before Notary Royal of Louisiana, by Mr. Jean Baptiste Claude Bobe des Closeaux, Commissioner, Comptroller of the Marine, acting as First Judge at Fort Conde of Mobile, to —, to make investigation and take all steps necessary to trace and recover merchandise consigned to him from Rouen, shipped on the King's ships L'Elephant and the Chameau, this procuration to be valid until revocation of same.

Signed: *Bobe Descloseaux. Chantalou. Lenormand. Henry, notary.*

Document in good condition.

Declaration in Registry of the Council, before Chantalou, clerk of the Greffier, Mr. Claude Bobe Descloseaux, on the point of leaving for the Post of Mobile, says that having been cited to pay the sum of 29260 livres due to Mr. Henry, Greffier of the Council, charged with recovery of what is due on the sale of negroes of MM. Du Breuil and Dalcour, following which he caused to be seized in hands of Sr. Barbin, nine negroes from this sale. The reason for non-payment of said sum,

which he cannot now meet, until Council reduces price on said negroes, is due to the excessive price of said negroes, which obliges him to give as security Mr. Jean Baptiste Prevost who will be intrusted with said slaves and will produce them when so required by Sr. Henry, consenting to seizure in possession of Sr. Barbin, all of which Sr. Prevost has voluntarily accepted.

Signed: *Bobe Descloseaux. Henry (paraph). Prevost. Chantalou. Lenormand.*

Procuration before the Clerk of the Greff. and Notary by Sr. Bobe Descloseaux to Sr. Jean Baptiste Prevost to act in his name in the suit instituted against him for payment of 29260 livres, for negroes bought at auction of Srs. Du Breuil and Dalcour, in Sept., 1743, due in Jan., 1744, non-payment due to discredit of specie

which increased the price of the negroes considerably. He empowers his attorney, Sr. J. B. Prevost, Agent of the Company of the Indies to petition the Council in his name for a reduction of the price of said negroes adjudicated to Sr. Aufrere, acting under procuration of constituent. Sr. Prevost to ask for recovery and permit to sell the nine negroes left, proceeds of sale to be remitted to Sr. Henry.

Signed: Bobe Descloseaux. Jahan. Chantalou. Henry, notary.

Document stained.

Oct. 20.

Promise to pay a debt at Christmas.

Sr. Le Kintrek acting for Sr. Blanpain in his absence promises to pay Sr. Germain at Christmas the sum of 200 livres on account of 1000 livres for tobacco delivered by Germain.

Signed: leHintrek.

Oct. 22.

26859. fo. 29.
4074. 2 1/4 pp.

Athanase de Mezieres, marine officer, purchases two negro slaves from Francois Songy for 4000 livres. De Mezieres became a prominent figure later on in the Spanish regime.

Sale of two negro slaves by Sr. Francois Songy, resident of New Orleans, to Sr. Athanase de Mezieres, Marine Officer, for the sum of 4000 livres on which 3000 livres were paid cash and the remainder to be paid within the year, de Mezieres furnishing hypothecation of all his movables and immovables, particularly on said slaves.

Signed: Demezieres. Songy. Chantalou. Henry, notary.

Nov. 11, 1746. Receipt given by Songy to de Mezieres for the sum of 1000 livres paid by Layssard Bros. in full payment on slaves sold in Oct., 1745. Document charred.

Oct. 23.

26862. fo. 29.
4075. 1 1/2 pp.

Procuration by Fay, a soldier in Le Blanc's company.

Procuration granted before Notary Royal of the Province of Louisiana, by Etienne Francois Fay, soldier of the detached troops of the Marine in company of Le Blanc, son of Francois Fay and of Francoise Dro a native of Chavanne, jurisdiction of Valence in Dauphiny.

Name of attorney is left in blank. He empowers him to act in his name in settlement of succession of his parents and in division between coheirs.

Signed: etienne francois fay. Cantrelle. Chantalou. Henry, notary.

Oct. 25.

Receipt for costs, paid by Pery in the Jung case.

Receipt to Sr. Pery for costs of court for affair of Mr. Jung.

Signed: Lenormand.

Oct. 25.
26868. fo. 29.
4077. 4 pp.

Marriage Contract
executed in Pointe
Coupee between Labbe,
resident of the German
Coast, and Jeanne
Julie Ozenne.

Jacques Ozenne, her stepfather, Mr. Trenaunay Chanfret and her mother Dame Charlotte Julie Moreau stipulating for her.

Signed: jean labbe. Dhaussy. allain. Jn Le Borne. Rivard. Trenaunay Ozenne. Pierre Brou. Trenaunay Chanfret. Chtte vencent duprez. Potin, notary.

(Document stained, upper margin eaten away through the four pages).

Oct. 26.
26874. fo. 29.
4078. 1 p.

Debt of 1000 livres due to
Ignace Petit, boarding
house keeper to be paid
to him in piastres of
5 livres each.

Obligation for 1000 livres due by Sr. Joseph Pedemane Huguon to Sr. Ignace Petit, boarding house keeper, which he promises to have paid to him in piastres of 5 livres each, by his brother Mr. Pedemane Huguon on presentation of this present acknowledgment, furnishing security for same.

Signed: hugon. du hommeel. Chantalou. Henry, notary.

Oct. 26.
26875. fo. 29.
4079. 2 pp.

Procuration of Champagne
to obtain accounting of
the succession of his
father.

cessions that may have come to him, giving his attorney full powers even in such cases as require a special order. Said constituent declared that he could not write nor sign and procuration is signed: Lenormand. Chantalou. Henry, notary.

Document charred in two places.

Oct.
26877. fo. 29.
4080. 2 1/4 pp.

Procuration by Jacques
Massicot, a coatmaker
to Gaspar Pictet, a
merchant of New Orleans,
about to go to France.

owned by his father and an uncle, still living, in order to effect division between constituent and his brother, a minor

Procuration granted by Sr. Jacques Massicot to Sr. Gaspar Pictet, merchant of New Orleans, about to leave for France. Jacques Massicot is a coat maker, son of Ignace Massicot and Jeanne Baquon, and he empowers said Pictet to have all papers and titles, wills and inventories produced, particularly titles of a house

also named Jacques Massicot, and to pay legitimate debts, constituent granting unlimited powers to said Pictet, even for cases which cannot be foreseen, on account of the distance and difference of customs and distance, until revocation of this prouration.

Signed: J. Masicot. Cantrelle. Chantalou. Henry, notary.
(Document charred in upper left margin, date of month burnt out.)

Oct. 29. 1½ pp.

**Etienne Layssard Bros.
sue Du Breuil for 2904
livres, 15 sols, for
merchandise.**

Petition to Superior Council by Etienne Layssard Bros. merchants of New Orleans for citation of Sr. Du Breuil Sr., for payment of a debt of 2904 livres, 15 sols, in current specie due on merchandise as per memorandum. (Not Signed).

Oct. 29. Order of citation signed by Lenormant.

Oct. 30. Notice to appear before Council on Saturday, Nov. 1st, at nine o'clock a. m. served personally on Sr. Du Breuil by Sheriff Lenormand.

Nov. 30. Notice served on Sr. du Breuil Villars by Marin Lenormand on petition of Layssard Bros., dated Oct. 29, in default of which he will be prosecuted personally.

Signed: Lenormand.

Oct. 29. 1¼ pp.

**Layssard Bros. sue
Pierre Couilleret, a
butcher, for 160 livres
"in currency of the day."**

Petition to Superior Council by Layssard Bros. for citation of Pierre Couilleret, a butcher, to compel him to pay the sum of 160 livres in currency of the day as per face of his note of last March 25th.

Order to cite signed: Lenormant.

Oct. 30. Notice of citation served on Sr. Pierre Couilleret, delivered to his wife, to appear before Council on the first Saturday of November at 9 a. m.

Signed: Lenormand.

Oct. 30.

26880. fo. 29.

4081. 1¾ pp.

**Charles Le Sassier,
wholesale merchant in
New Orleans about to
embark for France, gives
procuration to his
wife Genevieve Gallard
to collect debts due him.
following their notes or obligations, to give receipt, discharge,
to make sales and in default of payment to proceed legally
against debtors.**

Signed: Le Sassier. Chantalou. Lenormand. Henry, notary.

Procuration granted before Notary Royal of Louisiana by Sr. Charles Le Sassier, wholesale merchant of New Orleans, about to embark for France, to Dame Genevieve Gallard, his wife, to collect all sums that may be due to him in this Colony, notably that due by Sr. de Beaune, when due, and other individuals

Nov. 2. 1 p.

*Acknowledgment of debt.
Dauphin to Pontalba.*

Sr. Joseph Dauphin owes Sr. Joseph Delfau de Pontalba the sum of 9822½ francs in piastres rated at 5 francs, value received. Payable in two annual instalments: The

*first on Nov. 2, 1746; the second on Nov. 2, 1747. The debtor stipulates a mortgage on all his property for the security of this debt.

Nov. 3. 2½ pp.

*Thibierge's appeal from
Illinois.*

Petition to Superior Council by Louis Alexandre Thibierge, resident of Illinois, as husband of Francoise Dubois who left a minor child, stating that he came from

Illinois to protest against execution of sentence rendered there in favor of Marin de la Marque against which Thibierge has appealed to the Superior Council in New Orleans, in usual form, producing proofs and copies of all complaints, in the interest of said minor.

Signed: Thibierge.

(Four documents were enclosed in this petition.)

Permit to cite at domicile of Procureur General of the King. Signed: Raguet.

Notice of citation served on Sr. Marin de la Marque, said notice handed to his negro servant, at his elected domicile in New Orleans, at home of Sr. Francois Jahan.

The order of citation is dated Nov. 3, 1745, and the notice served on Nov. 2, 1745. There is here evidently a pen error.

Documents annexed to the foregoing petition.

No. 24. 1 p.

*An appeal from Illinois.
This record covers:*

1. Petition to Superior Council in New Orleans lodging an appeal from a judgment rendered by Judge de la Loere Flaucourt at Fort Chartres, Illinois.

June 5, 1745. Petition by Thibierge to Mr. de la Loere, Secretary of the Marine, subdelegate of Mr. de Salmon and First Judge in the Jurisdiction of Illinois, for satisfaction for the heirs of Sr. Du Boy against Sr. Marin de la Marque and for citation of said Marin whom he notifies that he (T) has appealed the case to the

Superior Council of New Orleans. Made at Kaskaskias.

Signed: thibierge.

2. Citation from Superior Council to Marin de la Marque, appellee.

June 5, 1745. Order to cite Sr. Marin de la Marque at Kaskaskias to answer on preceding complaint.

Signed: Delaloere Flaucourt.

3. The petition for appeal filed in the Illinois Court.

June 8, 1745. Notice served on Sr. Marin de La Marque, residing at Kaskaskias by Rene Dubois, Royal Sheriff, residing at Fort Chartres, Illinois, that appeal has been made against judgment rendered in Illinois to Superior Council in New Orleans and Sr. Marin notified to take the first conveyance thereto to answer thereon. (Two last documents worm eaten and torn.)

1½ pp.

4. Citation of appeal served on the appellee at Kaskasia, Illinois.

April 2, 1745. Copy of judgment rendered at Fort Chartres between. Srs Thibierge and Bienvenu, tutors of Dubois minors vs. Sr. Marin de la Marque. Served on principals by

"Dubois huissier"

5. Judgment rendered in Illinois from which this appeal is taken.

Judgment: That sentence of 1744 and transaction following is declared null and void and the inventory of July 28, 1730, made with marriage contract of said Mme. Dubois be maintained. Judgment of March 9, 1744, annulled as it was rendered contrary to the custom of Paris. The sum of 6272 livres, 5 sols, share of the said minors to remain in sufferance with community of their deceased mother and deposited with those who have said sums in charge.

Order to Sr. Bienvenu to remit to Sr. Marin all sums received over and above that of 6272 livres, 5 sols.

Signed: De La Loere flaucourt.

This document is worm eaten, soiled and stained with torn margins.

Nov. 3. 2½ pp.

J. B. Prevost, agent of Sr. Jung, ship chandler in Bordeaux, France, sues Antoine Aufrere to compel the latter to produce and deposit in the Registry all papers and titles concerning the rights of Mrs. Gerard Pery, together with proces-verbal of the seizure of the movables of Gerard Pery.

See November 11th.

Petition to Superior Council by Sr. Jean Baptiste Prevost, acting under procuration of Sr. Jung, merchant and ship chandler of Bordeaux (France), for citation of Sr. Antoine Aufrere to be ordered to deposit in Registry of Council all papers and titles concerning rights of his daughter, Mrs. Gerard Pery, and proces-verbal of seized movables. Costs on Sr. Aufrere.

Signed: Prevost. Jahan.

Nov. 30. Order of citation of Sr. Aufrere signed Raguet.

Nov. 30. Notice of citation served on Sr. Aufrere at his domicile in New Orleans, following petition of Sr. Prevost, acting for Sr. Jung of Bordeaux.

Signed: Lenormand.

Documents worm eaten and stained.

Nov. 3. 1 p.

Procuration Boyer to Boyer.

Pierre Boyer, carpenter on board the Chameau, now in port, but soon to sail for France, for collecting Marie's portion in her mother's estate.

Nov. 4.
26887. fo. 29.
4084. 1½ pp.

Power of Attorney. Marie Boyer, daughter of age, of Jean Boyer and his deceased wife Marie Babonneau to her brother

Pierre Boyer, carpenter on board the Chameau, now in port, but soon to sail for France, for collecting Marie's portion in her mother's estate.

Sale of slaves, by Ignace Petit to Pierre Ancelain; a negro named Antoine, aged twelve years and a negress named Jean-

Sale of two negro slaves
for 4000 livres in piastres
of 5 livres.

nette, whom said Sr. and Dame Petit acquired from the Baron de Cresnay sale, They were sold for 4000 livres in specie

current in France, 1000 livres paid cash, in piastres of 5 livres each and the remaining 3000 livres in a letter of exchange, payable at sight, Sr. Ancelain furnishing mortgage security on all his movables.

Signed: Petit. J. Ancelain. Petit. Chantalou. Henry, notary.

Nov. 5. 9 pp.

An account current
running from 1743 to 1745.

Memoranda of merchandise sold to Don Renato, payable on his return from Cartagena, enumerating numbers and contents; other entries for cash, receipts. Bill covers shipping and items from 1743 to Nov. 4, 1745.

Nov. 5. 1 1/4 pp.

Melissant Beauregard, pilot of the ship "Le Chameau," acting as agent of Jean Rousset of Brest, sues Sr. Barbin, Attorney for Vacant Estates, for delivery to petitioner of the Estate of Simon Rousset.

This is believed to be the first time the name Beauregard appears in our French Colonial Archives.

Petition to Sr. Lenormant, "Commissaire General de la Marine, Ordonnateur Et Premier Juge au Conseil Superieur" by — Melissant Beauregard, Pilot of the King's ship Le Chameau, to withdraw succession of deceased Simon Rousset from Sr. Barbin, Attorney of Vacant Estates, who presented a statement by which he owes 1020 livres, 17 sols, 6 deniers, to petitioner, which he declares he is ready to remit to petitioner when it pleases you to give him his discharge.

Signed: Melissant Beauregard.

Nov. 5, 1745. Order for citation of Sr. Barbin.

Signed: Lenormant.

Notice of citation before Council served on Sr. Barbin by Sheriff Lenormand.

3 pp.

June 7, 1745. Procuration granted by Jean Rousset, at Brest to Malissant Beauregard to act for him in settlement of succession of Simon Rousset, his brother.

Signed Jan Rousset. Courleau

Nore Allain.

These two documents are badly worm eaten and part of text destroyed.

Nov. 5. 2 pp.

Acknowledgment by Francois Fleuriau of the payment of 32,240 livres by Charles Guy Daunoy, for the plantation of the Duke of Bellisle and others.

See this index October 9th, and La. Hist. Qy. VIII, October. 1928.

Procureur General Francois Fleuriau, Attorney for Very High and Mighty Lord His Grace Charles Louis Auguste Fouquet, Duke of Bellisle, Marshal of France, Chevalier Royal; for Very High and Mighty Dame Louise Magdelaine Le Blanc, widow of Very High and Mighty Lord Esprit Juvenal Darleville des Ursins, Chevalier Marquis de Trainel; and

for Messire Gerard Michel de La Jonchere, King's Councillor and Treasurer General of the Order of St. Louis: acknowledges the payment of 32240 livres by Charles Guy Daunoy, purchaser of the Chaouachas concession.

Nov. 5. 2½ pp.

Procuration by Etler, a German soldier in Louisiana.

Jean Etler (signature in German script) a native of Colmar, soldier in the Colonial troops, to (name left in blank) for collecting his portion in his parents' estate.

Nov. 7. 3 pp.

Procuration by Etienne Layssard, frere, a merchant, to collect debt due him at "the Cape."

Etienne Layssard, frere, merchant, to (name left in blank) for collecting a liquor bill from estate of late Sr. Vivier of the Cape.

Subjoined copy of Sr. Vivier's receipt for the liquor in question, which he was to sell on commission.

Nov. 7.

Layssard asks that the above be forwarded to "the Cape."

collecting "our goods" if still unsold, or else the account thereon due; now that Sr. Vivier is deceased, to whom the goods in question had been consigned.

Nov. 8. 4 pp.

Marriage Contract between Pierre Clermont and Marianne Vigier.

Pierre Clermont, a native of Champlain, near Quebec, and Demoiselle Marianne Vigier, minor daughter of late Louis Vigier and of his wife Marianne Giraudon, now married to Jean Moreau, but separated from him with respect to property.

Nov. 8. 2 pp.

Procuration by Herpin de la Gautrais.

Officer Pierre Rene Herpin de la Gautrais* (name left in blank) for collecting his portion of his parents' estate.

*Signed: Harpain De Lagautrais.

Nov. 8. 3 pp.

Procuration by a Swiss soldier in Louisiana to his wife in Switzerland.

Izaac Olivier Pache, Colonial volunteer to Marie D—— (name blurred), his wife, now resident in Switzerland, for disposing of his property over there.

Scorched and blurred.

Nov. 8. 1 p.

Beauregard receipts for the proceeds of the Roussel estate, (here written Roussel).

See entry Nov. 5, 1745.

Vacant Estates, and

Pierre Francois Melissand Beauregard, attorney for Jean Roussel, "frere Germain," (german brother) sole heir to late Simon Roussel, carpenter has received of Sr. Nicolas Godefroy Barbin, Attorney for also attorney for the late Raimond Amy-

ault D'Ausseville, some time Attorney of Vacant Estates, including that of the late Simon Roussel, the sum of 1020 livres (colonial) + which being reduced 3/5 in accord with the Royal Edict of April 7, 1744, amounts only to 408 livres + par received by Mr. B. in piastres @ 5 livres each. Full discharge.

*Copyist's note—In text "Mille vingt Livres dix sept sols six deniers en Monnoye de Colonie."

Nov. 8. 1 p.

Acknowledgment of debt
to be paid in France.

Pierre Rene Harpain de La Gautrais, Officer in Marine detachment owes Mr. Louis Gaulet, clerk on board the Chameau, the sum of 1500 livres* value received in the

way of a loan. The same to be repaid in France by R. P. Louis Herpin, chaplain of the Nuns of St. Thomas of Villanova, mortgage security.

*Copyist's note: In text 1500 livres argent au cours de France.

Nov. 8. 1 p.

Confirmation of a
procuration.

Pierre Nouguez herewith confirms the power of attorney which he had sent to his mother Madame Marie Dhuirat, for settling some accounts of his with Etienne Gallard.

Nov. 9. Slip.

Promissory note.

Tixerant will pay Mr. Trudeau on demand the sum of 250 livres, value received in cash.

Nov. 9. 2 pp.

A free negro agrees to serve as cook to Jean Jose Delfaut de Pontalba at Pointe Coupee for three years, for the consideration of the freedom of Venus, his wife.

Venus, Jean's wife.

Jean Baptiste Marly, free negro, agrees to serve Mr. Jean Jose Delfaut de Pontalba, infantry officer at Pointe Coupee, in the duties of a cook for three years from Dec. 1, 1745, to Dec. 1, 1748. Terms maintenance, medical attendance and freedom at close of service, of the negress Sundry contingencies considered.

Nov. 9. 1 p.

A resident of Martinique protests his losses in New Orleans while awaiting the payment of a debt of 420 piastres due by Nicholas Judice.

Chameau and files this warning as regards all the losses liable to overtake him by fault of delayed payment.

Jacques Hyacinthe Levasseur de Bonneterre, of Martinique, protests that no other business detains him at New Orleans, save to collect a debt of 420 piastres from Nicolas Judice, for value received in six casks of wine. He is ready to sail by the

Nov. 9.

26872. 2 $\frac{1}{4}$ pp.

Potin, acting notary at Pointe Coupee sends various papers to Henry, Clerk of the Superior Council and the latter reports he has filed the same.

Letter addressed to Mr. Henry, Greffier of Superior Council, by Potin, acting Notary at Pointe Coupee advising him of remittance of five contracts of marriage, one act of tutorship and one inventory, which he will acknowledge receipt of if he deems proper. Signed: Potin.

Henry answers that he did not acknowledge reception of the legal papers for want of an occasion, that nevertheless he is discharged by their being filed in the Registry that all notarial acts from all the posts of the Colony should be remitted to the General Post according to ordinance.

Nov. 9.

26920. fo. 29.

4097. 1 $\frac{3}{4}$ pp.

Procuration by the widow Dureau to recover estate of her minor daughter.

Procuration in blank granted before Notary Royal of the Province of Louisiana by Jeanne Machaut, widow of Jacques Dureau, with whom she was in community of property, as tutrix of Jeanne Marie Dureau, her minor daughter, and to compel Polingine, brother-in-law of her deceased husband to render account of the matrimonial and matrimonial goods of said minor which are in his possession.

She declared that she could not write nor sign and document is signed: Henry, notary. Chantalou. Cantrelle.

Nov. 9.

26922. fo. 29.

4098. 1 $\frac{1}{4}$ pp.

Francois Chastang and Gaspard Pictet, merchants in New Orleans, arrange for the disposition by Pictet, who is going to France, of deer skins belonging to Chastang, and the latter takes charge of 6 $\frac{1}{4}$ hogsheads of indigo belonging to Pictet in New Orleans.

Agreement between Francois Chastang and Sr. Gaspard Pictet, both merchants of New Orleans, Sr. Pictet, about to sail for France leaves to Castang, six and one-fourth hogsheads of indigo, weighing 1870 pounds, of which four barrels marked A. G. are for account of Jean Augustin Giraud and the two others marked A. P. for account of Pictet. That Chastang will run no risks of theft, nor deterioration being held only to remit the

hogsheads. Pictet on his side acknowledges having received 155 deer skins in parchment, weighing about 2200 pounds, which he obligates himself to sell in France for account and profit of Sr. Chastang and to use funds following orders given by said Chastang, running no risks for danger on sea, nor of lower prices on his arrival in France, being held only to sell and deliver them, the said pelts being shipped under bill of lading to Sieur Pictet.

Signed: Chastang. Pictet. Chantalou. Henry, notary.

Nov. 10.

26924. fo. 30.

4099. 3 pp.

Procuration granted before Notary Royal of the Province of Louisiana by Pierre Pain, merchant of Montreal, now in New Or-

Procuration by Pierre Pain of Montreal to execute judgment in New Orleans.

leans to —— Beaudreau, Widow Gervais, to see that execution is enforced against Paul Mallet and Petit of the decree obtained against them, of which they were notified June 4, 1736.

Signed: P. Pain. Chantalou. Lenormand. Henry, notary.

Nov. 10. 2 pp. **Guillaume Lange** to (name left blank) for collecting a tar account, or account of pitch and tar.

Procuration.

Nov. 11. 1 p. **Petition to Superior Council** by the Procureur General of the King, who has

been informed of the death of Pierre

Bary, a boiler-maker of New Orleans, to affix seals on goods of said succession, as he leaves a widow Marie Bret and four minor children and many creditors. Signed: fleuriau.

Nov. 11. Mr. Raguet appointed Commissioner on this case.

Signed: Lenormant.

1 1/4 pp. Nov. 11. Petition to Superior Council by Marie Bret, widow of Pierre Bary, deceased Nov. 10, 1745, to convene a meeting of relatives, or friends in their default, to elect a tutor and special tutor to the minor heirs of said deceased.

Signed: For the Widow Bary.

Nov. 11. Order to assemble relatives and friends before Mr. Raguet. Signed: Lenormant.

Nov. 17. Notices to attend meeting before Sr. Raguet served on Srs. Claude Boson, Joseph Le Kintrek, Pierre La-Croix, Francois de Noyon, Augustin Chantalou, and Francois Jahan. Signed: Lenormand.

3 pp. Nov. 11. Affixing of Seals on goods of deceased Pierre Baril or Bary on demand of the widow and several creditors and of the Procureur General, in the presence of Sr. Raguet, of the Greffier, and Attorney General of the King, who proceeded to inventory, describe and appraise the same after which they were left in care of his widow, Marie Bret, who promised to produce them when so required. Signed: Raguet. fleuriau.

No. 1065. 6 pp. Nov. 18. Inventory of goods of deceased Pierre Bary taken on demand of Marie Bret, widow of Pierre Bary and tutrix of Marie, Marie Francoise, Marin, Pierre Bary, after raising of the seals. Inventory covers furniture, household effects, bedding, china, glassware, etc., papers and lots.

Signed: Jahan. Lakintrek. doyon. fleuriau. Lenormand. Raguet.

(Note: Feb. 14, 1745. Renunciation of Marie Bret, widow of Pierre Bary, to community of goods between her deceased husband and herself, signed: Lenormand. Chantalou.)

Nov. 11. 3 pp.

Report on papers she filed in reply to the demand of J. B. Prevost, agent of Jung in the Pery case.
See entry Nov. 3

Statement of papers concerning the proceedings instituted by Sr. Antoine Lemoine, Captain of a merchant vessel, commanding the ship Le Comte de Maurepas, holding procuration of Sr. Jung, merchant and ship chandler of Bordeaux,

against Sr. Gerard Pery, merchant of New Orleans and Commissioner of said Sr. Jung for commerce and overseeing of cargo and accounting also in other prosecutions against said Pery made by Sr. Prevost, under procuration of Sr. Jung after death of said Lemoine.

Statement of costs made on request of Madam Pery vs. Sr. Gerard Pery, her husband, settled at the sum of 250 livres.

Signed: Fleuriau.

Deposited in Registry, annexed to proceedings instituted by Mr. Jung. Signed: Prevost.

Nov. 12. 7 pp.

Spanish procuration and translation thereof

Lucas Grangent to Jean Baptiste Prevost, agent of the Company of the Indies in Louisiana, for mercantile collections.

Watermark Damia and sketch of a Bull.

French translation of above.

Nov. 12. 2 pp.

Havana goldsmiths report on weight and valuation of two small gold pieces.

(From Havana). Spanish goldsmiths' estimates. Report on two small gold pieces which were submitted to several goldsmiths for weighing and valuation, on request of Sr. Lucas Grangent. Slight

differences of estimates. Object appears to be marketing of a lot of similar gold pieces.

(French translation in duplicate.)

Watermark Damia and a jackass.

Nov. 12. 1 1/4 pp.

Suit against Barbin, Attorney for Vacant Succession for settlement of debt due by the Mallet succession.

Tenance of sum of 1600 livres in execution of previous decree, costs to be on said succession. Signed: St. Martin.

Nov. 12. Permit to cite. Signed: Raguet.

Nov. 15. Notice of citation served on Sr. Barbin by Sheriff Lenormand.

Nov. 13. 2 pp.

Copy of judgment rendered by Superior Council in the litigation between Mrs. Pery and J. B. Prevost, agent of Jung, creditor of Pery.

Copy of decree of Council rendered on petition of Francoise Aufrere, wife of Gerard Pery in prosecution of her rights to withdraw the sum she brought at her marriage contract. Council ordered returns of sale of effects of said Pery to be

remitted to Sr. Prevost, the wife to take back freely all she brought to the marriage of movables, etc., after inquiry made of same.

Nov. 30. J. B. Prevost notified of said decree and copy of same left with him that none may pretend ignorance.

Signed: Lenormand.

Nov. 13. 1 p.

Report on suspected pilfering.

Jean Ignace Olivier Pache, Master Goldsmith, reported he was approached by one Catherine, (German), with reference to her selling him the gold head of a cane. From her cautioning him to keep the matter secret, he mistrusts irregular dealing and files statement accordingly.

Nov. 13. 1 p.

Gaspard Pictet on the eve of sailing for France deposits sealed packages in the Registry of the Council.

A bundle of accounts and a package of letters are deposited in the Recorder's office by Mr. Gaspard Pictet, before he embarks for France by the transport le Chameau (Camel) Captain Baunier des Isles.

Nov. 14. 1 p.

Declaration that one Marie Louise is not a slave, being the daughter of a Frenchman.

Report on legal freedom. Vincent Le Porche files a statement to the intent that one Marie Louise is not a slave but should enjoy complete liberty, being the daughter of a Frenchman.

Nov. 15. 3 pp.

Marriage Contract. (Pointe Coupee).

Vincent Le Porche from Diocese of Vannes and Demoiselle Marie Francoise Pauque, minor daughter of George Pauque and Catherine Quisselin.

Nov. 16. 1 p.

Acknowledgment of debt payable in trade goods.

Louis Thibierge owes Antoine Rolland, master wig-maker at New Orleans, 500 livres and another item of 400 livres, cash loans, which L. T. promises to pay on arrival of trade goods next year, 1746. Stipulation for mortgage security.

Nov. 19. 1 p.

Acknowledgment of debt payable in tallow and bears' grease.

Pierre Clermont, traveler, and his wife, Marianne Viger, owe to Antoine Rolland, master barber and wig-maker, 200 pounds of tallow and 100 jugs of bears' grease; which items the indebted parties promise to deliver in May, 1746. Provisos to meet unforeseen contingencies. Mortgage security.

Nov. 22. 6 pp.

Marriage Contract,
Arnaud and Huber, both
natives of Montreal.

Francois Arnaud, native of Montreal and widower of Demoiselle Massy, to Demoiselle Francoise Huber, minor daughter of late Louis Huber and Madeleine Traquier. The bride is likewise a native of Montreal.

Nov. 24, 1½ pp.

Gaspard Bellome
(a German) petitions for
a family meeting to
select tutor and special
tutor to the minor children
of his deceased wife.

She was twice married and
left three children by
Love, her first husband
and three by Bellome,
her second husband.

Petition to Superior Council by Gaspard Bellome, a tailor of New Orleans, to convene meeting of relatives and in their absence of friends to elect a tutor and special tutor to minor heirs of his deceased wife Helene Loue (Love) viz: Jacques, Nicolas and Helene Loue from her first marriage, and Francois, Manon and Marguerite Bellome from the second.

Gaspard Bellome (in German script).

Nov. 29. Order to proceed before Sr. Raguet and the Procureur General to election of tutor and special tutor to minor heirs of deceased Helene Loue.

Signed: Lenormant.

Nov. 30. Notices served by Sheriff Lenormand on MM. Bellome, to Adam, called Blondin; Ancelin, Cantrelle, Brantan, Belhumeur, to meet before Sr. Raguet.

On margin: Fleuriau consents to convene meeting to elect tutor and special tutor to minor heirs of deceased Madam Gaspard Bellome, formerly Widow Loue.

Nov. 28. 2 pp.

Sale of a plantation
six arpents front on the
Mississippi above and
beyond Cannes Bruslees,
for 600 livres cash.

Jean Lavergne and his wife* convey to Madame Ve de Soisson a plantation of 6 arpents frontage, situated between Raguet and Piquery, and above and beyond Cannes Bruslees, for 600 livres cash.

*"Francoise Le Senne son épouse."

Dec. 1. Small
size note paper.

Sr. Carriere borrows
four bottles of wine
for Sieur Ancelin.

Letter of Carriere to Ancelin to oblige writer with four bottles of wine in conclusion of Sr. Andrew's festival. The loan will not be forgotten as is sometime the case with other borrowers.

Dec. 1.
No. 1066. 3 pp.

Procès Verbal of family
meeting for the Bellome
minors, and homologation
of the same by
Councillor Raguet.

Report by Gaspard Bellome on finding of family meeting convened to elect a tutor and special tutor to Loue (or Love) and Bellome minor heirs of Marie Francoise Jomare, widow of Antoine Love by her first marriage, from which there were

See Bellome's second marriage, Dec. 11, 1745.

three children, and by her second marriage to Gaspard Bellome there were also three children. Gaspard Bellome was elected tutor to Love minors and to his own children, Jacques Cantrelle special tutor to Love minors and Nicolas Adam, called Blondin, special tutor to Bellome minors, wherefore Councillor Raguet has certified this report and after acceptance and oath taken by aforementioned tutor and special tutors, homologated same.

Signed: Gaspard Bellome (in German script).
C. Ancelain. Brantan. Cantrelle. poisat. Lenormand. fleuriau. Raguet.

Document in good condition.

Dec. 2.
27117. Slip.

Covering request
from Pensacola to pay
six piastres for a ring.

Request to Mr. Joliboist to pay Sr. Durante the sum of six piastres for a ring. Done at Pensacola.

Signed: Mirogoine pour Lorandine.
(Stained).

Dec. 3. 1 p.

The Illinois appeal.
See entry Nov. 3.
Thibierge recites the issues raised by the litigation below, and complains that he has been in New Orleans four months, awaiting the action of his appeal.

her first husband, who was petitioner wife's father. Consequently the community continued under pretext that a declaration made by said Francoise Missoury was to take the place of an inventory and on this ground several judgments were rendered by Sr. de La Loere from which petitioner has appealed to the Superior Council, the last judgment hereto

The indications are that the appellee has not appeared and Thibierge asks that the case proceed without him.

annexed which would revoke all anterior ones and annul a transaction made by Marin at Illinois before Notary anticipating an appeal from this last sentence, of which act petitioner was never notified but sent to the Council all the papers concerning the case. It would be regrettable if after remaining here four months without friends he were not able to obtain a decision, wherefore he asks that his appeal, of which the Procureur General of the King was notified at his domicile may be effective against said Marin, who is to be prosecuted until final judgment in the interest of the minors who can but suffer from the long delay.

Signed: thibierge.

Dec. 3. 1 p.

See 1066.

Dec. 1.

Petition by Gaspard Bellome for an inventory of his wife's estate.

Petition to Superior Council by Gaspard Bellome, to have inventory taken of goods of his deceased wife, former widow Love before the Procureur of the King the special tutors and himself as tutor of all the minor heirs, before Councillor appointed for that purpose.

(Signed in German).

Dec. 3. Order to take inventory this day before the Procureur General of the King.

Signed: Raguet.

Dec. 3. 2 pp.

Invoice of bars of gold by Nicolas Forstall for account of Don Miguel.

Invoice of bars of gold by Sr. Nicolas Forstall for account of Don Miguel.

Sale made to Mr. Rasteau as per account, and declaration of Mr. Forstall

made in Registry of New Orleans. Detail of bars missing, for which Lassard Bros. owes account to Grangent.

Notice served on Don Miguel by Lenormand.

On reverse, dated August 20, 1745. Invoice furnished by N. Forstall.

Upper portion entirely destroyed.

Dec. 4. 3 pp.

Brunet vs. Du Breuil.
Answer of the defendant.
He denies the correctness of plaintiff's bill of items.
He says further that he adjusted the accounts of the late Brunet, and settled same in the presence of Sr. Fleuriau, "Father Orphans" in the colony, who always protected them in such settlements.

Defense of Sr. Du Breuil addressed to Superior Council on claim of Widow Brunet, pleading that said Madam Brunet omitted from her account several articles to his prejudice excepting the last item which said Du Breuil ordered to be given Brunet, a blacksmith, from the King's stores and which remained in blank; the quantity of iron ordered he has not ascertained as

Mr. Le Normant has not yet checked off

the memoranda with the Registers which will be deducted from the said bill and credited to Sr. Du Breuil. Deceased Brunet would not have foregone payment if Du Breuil had been indebted to him for labor for the Marine. The statements were sent to France, and unless Mr. Le Normant decides otherwise Sr. Du Breuil will not defer payment to Widow Brunet in the same specie he will receive from the King.

Mr. Fleuriau was present at settlement of said account and will testify that Sr. Du Breuil was generous, to his prejudice to the widow and minor heirs of said Brunet. Sr. Fleuriau being in this Colony the "Father of the Orphans" always takes their part in any settlement. Wherefore he prays that said account be settled on the base of 12 livres, 10 sols to the piastre, or at the same rate that the King pays petitioner; the fault lies with said deceased who should have reported orders he had in hand for the Marine.

Signed: Du Breuil.

Dec. ?. 5 pp. Present Le Normant, First Councillor, Ra-
Text of upper guet and Le Bretton Councillors.
margin destroyed.

Judgments rendered at
the session of the
Superior Council.
Marie Bret vs. _____,
claim rejected with costs.

children of Tranchemontagne, petitioner and plaintiff: Council on conclusions of the Procureur General of the King denies her claim and condemns her to pay costs.

St. Martin, agent of
heirs of Mallet vs. Barbin,
Attorney for Vacant
Estates, judgment for
plaintiff.

as such intrusted with succession of deceased Sr. Dausseville, his predecessor in said capacity. On conclusions of the Procureur General of the King, Council orders in execution of previous decree, that Sr. Barbin remit to petitioner the papers demanded, costs on Mallet succession and order to pay 1600 livres, to be taken from deposit of 100,000 livres turned over to Sr. Barbin in April, 1744.

(Text of this document partly destroyed.)

St. Martin, agent of heirs
of J. B. Rivard vs.
Barbin, Attorney for
Vacant Estates.
Judgment for plaintiff.

deceased Sr. Dausseville, who had succession of deceased de la Riviere, defendant: Council orders Sr. Barbin to turn over to plaintiff the returns on said succession as well as titles and papers of same, on valid discharge given Mr. Barbin to that of Sr. Dausseville to estate of de la Riviere; costs on de la Riviere succession.

Text worm eaten.

Prevost, agent of Jung vs.
Barbin, Attorney for
Vacant Estates.
Judgment for plaintiff.

moine, defendant: Council orders Barbin to furnish collated copies of papers concerning Lemoine's succession and of cargo of ship. Costs on Jung.

Text partially destroyed.

Prevost, agent of Jung
vs. Aufrere, curator of
Mrs. Pery. Judgment
for plaintiff.

Aufrere to report the proces verbal of the sales and to remit returns on same to be distributed to whom by right shall ap-

Present Le Normant, First Councillor, Ra-
guet and Le Bretton Councillors.

Judgments rendered in following cases:

1. Between Marie Bret, widow of deceased Baril, during his life tutor to children of Tranchemontagne, petitioner and plaintiff: Council on conclusions of the Procureur General of the King denies her claim and condemns her to pay costs.

2. Between Sr. St. Martin, acting under procuration of heirs of deceased Mallet, plaintiff, vs. Sr. Nicolas Godefroy Barbin, Attorney of Vacant Estates and

as such intrusted with succession of deceased Sr. Dausseville, his predecessor in said capacity. On conclusions of the Procureur General of the King, Council orders in execution of previous decree, that Sr. Barbin remit to petitioner the papers demanded, costs on Mallet succession and order to pay 1600 livres, to be taken from deposit of 100,000 livres turned over to Sr. Barbin in April, 1744.

(Text of this document partly destroyed.)

3. Between Sr. St. Martin, acting for heirs of deceased Jean Baptiste Rivard, plaintiff, vs. Sr. Barbin, Attorney of Vacant Estates intrusted with succession of

deceased Sr. Dausseville, who had succession of deceased de la Riviere, defendant: Council orders Sr. Barbin to turn over to plaintiff the returns on said succession as well as titles and papers of same, on valid discharge given Mr. Barbin to that of Sr. Dausseville to estate of de la Riviere; costs on de la Riviere succession.

4. Between Sr. Prevost, under procuration of Sr. Jung, plaintiff, vs. Sr. Barbin, Attorney of Vacant Estates, charged with succession of deceased Lemoine, defendant: Council orders Barbin to furnish collated copies of papers concerning Lemoine's succession and of cargo of ship. Costs on Jung.

5. Between Sr. Prevost, acting under procuration of Sr. Jung, or Bordeaux, plaintiff, vs. Sr. Antoine Aufrere as curator, defendant: Council condemns Sr.

Aufrere to report the proces verbal of the sales and to remit returns on same to be distributed to whom by right shall ap-

pertain, and to furnish other papers concerning rights of Sr. Pery's wife. Costs on Aufrere.

(Document stained and charred, text partly destroyed.)

Layssard Bros. vs. Du Breuil. Judgment by default against defendant and order to cite him for next session.

6. Between Layssard Bros. plaintiff, vs. Sr. Du Breuil, defendant: Judgment in default against defendant and order that he be cited again before Council at its next session. Costs on defendant.

7. Illegible.

8. Between Pierre Mont Leon as husband of Marianne Carpentras, plaintiff, vs. Widow Marin, defendant:

Dec. 4. 2 pp.

Partnership between Hazeur Delalande and Rateau to engage in the Chactas trade under monopoly granted Hazeur by Governor Vaudreuil.

keeper at Mobile and with Mr. Paul Rateau, merchant at New Orleans, Mr. Francoise Hazur giving his own bond towards the King for 41700 livres in order to cover stock and goods obtained from royal warehouses. Bond payable in one year from date.

*Correct name: Hazeur.

Dec. 10.

Letter from Potin of Pointe Coupee to Clerk Henry in New Orleans.

A few quires of paper would be acceptable: A scarce article at Pointe Coupee, where hardly six settlers can write. Mr. and Mrs. Trenaunay and Mr. Meuillion send regards.

Dec. 11. 4 pp.

Marriage Contract. Gaspard Bellome and Marie Boyer. This is Bellome's second marriage. See succession of his first wife. Dec. 1, 1745.

Gaspard Bellome (signature seems to stand Casber Böllomö), a native of Upper Alsace, widower of Francoise Jomard, widow of Antoine Louve, and Marie Boyer, daughter of Jean Boyer and the late Marie Babonneau. Bride's parents were natives of Jarnac.

Dec. 12. 7 pp.

Marriage Contract. Layssard-Fazende. This was a marriage in high life in N. O., the parties being socially prominent.

Estienne Marafret Layssard, native of Rochefort, now merchant at New Orleans, and Demoiselle Helene Fazende, minor daughter of Councillor Jacques Fazende.

Dec. 13. 1 p.

Sale of slave (at
Pointe Coupee).

Receipt was given and vendors were satisfied. Edges worn.

Dec. 13.

Germain and wife in
Pointe Coupee agree with
Pierre Cuvillier to give
him on Jan. 1, 1748, a
negro slave boy of 12
years in exchange for
Cuvillier's good service
in the interim.**Pierre Germain** and his wife Marie Cheval (Marianne) sell to Demoiselle Catherine Cheval a negro maid named Suzon, aged about 10 years; terms not stated, but receipt was given and vendors were satisfied. Edges worn.

Pierre Germain and his wife Marianne Cheval promise to give in exchange for recipient's good service, a negro boy named Soule, aged about 12 years, to Pierre Cuvillier, alias Flambrecourt. Gift to take effect on Jan. 1, 1748. Meanwhile P. C. continues employed by donors, whose godson he is. (Edges torn away.)

Dec. 13.
No. 1067. 5 pp.Inventory of the estate
of Mrs. Gaspard
Bellome. See Dec. 1, 1745.

own. Mr. Raguet was Commissioner on this case and proceeded to inventory and estimation of goods of both communities in the presence of Sr. Jacques Cantrelle and Nicolas Adam, called Blondin, special tutors of the said minors. Inventory includes furniture, ironware, brass ware, mirrors, pewter ware, glassware, old andirons, a few pieces of silver, mattresses, blankets, counterpanes, curtains, sheets, a feather-bed, wearing apparel, household linen, shoes, glass bottles, kitchen ware, slaves, house and lot, active and passive debts, and papers.

Signed: Casbar Bollmo. poisat. Cantrelle. Lenormand.
fleuriau. Raguet.

Document slightly water stained.

Dec. 22. 4 pp.

Marriage Contract,
Major-Cheval.**Etienne Major**, native of Montreal and Demoiselle Catherine Cheval, native of the parish des Allemands.

Dec. 23. 2 pp.

A loan of money
protected by mortgage on
cattle at Bayou Gouglas,
to be delivered if need
be as beef in N. O.**Joseph Le Kintrek**, called Dupont, attorney for Blainpain, borrows of De Lisle Dupart 260 piastres. Loan is transferred to one St. Germain, creditor of Blanpain in a tobacco transaction. Blanpain's cattle at Bayougouglas are given as security; to be delivered if need be, as beef at New Orleans.

Oct. 24, 1746. Receipt in full to Delisle Dupart to Blanpain.

Dec. 23.
27224. 3½ pp.

The death of Roquigny
is reported. He died at
the King's plantation "on
the other side of the
river."

Affixing of Seals on goods of Sr. Roquigny,
on petition of the Procureur General of
the King, who was informed of his death
during the past night, at the King's plan-
tation, on the other side of the river, op-
posite New Orleans, who has made this
demand for protection of his four minor children for whom a
tutor and special tutor must be provided. Seals were affixed
by Councillor Raguet, appointed Commissioner, in the presence
of the Procureur General, of the Greffier, and Sheriff and of
one Antoine Millet, whom Sheriff Lenormand has established
guardian of said effects, which were left in his charge, on
promise that he would produce them when so required by
justice.

Signed: Millet. f Mathias. Lenormand. Gonzalle. fleurau.
Raguet.

Inventoried. Listed SSS signed: fleurau.

27121. 2 pp.
Proceedings taken in
the Superior Council to
sell the effects, etc.

Evidently a bill in which are entered
brandy, hats, tobacco, shoes, ginghams,
butter, stockings, silk handkerchiefs, tal-
low, etc.

(Stained, torn, creased and in such condition as to be
illegible.

27122. 2 pp.
N. P. 25129.
25130.

Listed SSS. Inventoried signed: fleu-
riau. Amounts due by different individ-
uals. (Torn and stained). Bill from Vera
Cruz. Note payable to bearer signed
Arnardo de Buscaron. (Water stained and part of text
missing.)

(To be Continued)



INDEX TO THE SPANISH JUDICIAL RECORDS
OF LOUISIANA
XXXIV.

July-August and September, 1780.

(Continued from July, 1931.)

By LAURA L. PORTEOUS.

Marginal Notes By Henry P. Dart.

The full name and title of all Spanish Officials appearing in the Spanish Judicial Records of Louisiana for the year 1780, will be found in the Quarterly for April, 1931, p. 271.

July 3, 1780.

**Manuel de los Rios
Bustamente vs.**

Hilario Boutet.

No. 3543. 14 pp.

Courts of Alcaldes
Piernas and Panis.

Assessor, Postigo.

Escribano, Mazange.

To collect a debt.

Plaintiff, a resident of Havana, Cuba, sues at New Orleans, a resident of Attakapas upon the latter's promissory note and obtains an order for a dispatch to the Commander of that Post, requiring the latter to cite the defendant to acknowledge his signature on the note and thereupon to issue execution against his property to collect the debt.

This order is issued and the debtor pays the debt and the money is remitted to New Orleans for plaintiff's account.

The copy of the Dispatch printed herewith is of historical value for it preserves the form of this familiar procedure of the Spanish Era, whereby the court at New Orleans exercised jurisdiction over residents of the Posts and controlled the conduct of the Commander in execution of the orders of the court at New Orleans.

The record opens with three exhibits: (1) a procuration on stamped paper, dated Havana, June 1, 1780, whereby Domingo de la Viesca, resident of that city appoints Manuel de los Rios Bustamente, resident of New Orleans his agent to collect 500 pesos from Ilario Butet; (2) a certified copy of the note also on stamped paper of Havana in which Ilario Butet acknowledges that he owes Domingo de la Viesca 500 pesos to use for his account and risk in indigo which Boutet will convey under entry and registry; (3) a certified copy of substitution of procuration dated New Orleans, July 3, 1780, by Manuel de los Rios Bustamente to Rafael Perdomo to act against Hilario Boutet.

These exhibits are followed by a petition in the name of Domingo de la Viesca, asking that Boutet be ordered to verify his signature to the note and thereunder that a despatch of execution be issued against defendant's property to the extent of the debt, its one-tenth and costs. That as Ilario Boutet lives in Atakapas it will be difficult to take his declaration, and a despatch should be sent to

the Commander of that Post, notifying him to have Boutet come to the city immediately to take his deposition and acknowledgment.

On this petition Alcalde Piernas on Postigo's advice rules:

Issue the corresponding despatch to the Commander of the Post at Atakapas and let him have Hilario Boutet acknowledge the obligation, here attached, declaring himself indebted for the sum stipulated in it, and if so to seize his property and hold it until the debt is paid. This sum when collected will be remitted to the escribano and held at the disposition of this Court and in case the debtor is found to be without funds in his domicile, make him appear in this tribunal.

A marginal note certifies the despatch has been issued, together with a copy of the petition and order.

Manuel de los Rios Bustamente, acting for Domingo de la Viesca of Havana thereupon appoints Fernando Rodriguez to represent him in the suit and attorney Rodriguez petitions for leave to drop the case as Boutet has promptly paid the 500 pesos. He asks to have the costs taxed. Piernas rules: With the consent of the parties let the suit be cancelled. Rodriguez signs a receipt for 500 pesos. Costs taxed at 112 reales.

Rodriguez petitions for leave to deposit this money as he is about to leave the city for his plantation. He has no instructions from Viesca and does not wish to risk carrying it with him. He has decided to leave the money with Juan Doroteo del Postigo, Auditor of War, to be held until Viesca determines what is to be done with it. Alcalde Jacinto Panis, into whose Court the case has passed orders the deposit of the 500 pesos with the Auditor of War who will hold it awaiting orders from the legitimate owner. Juan Doroteo del Postigo will give Rodriguez a receipt for it. This ends the suit.

July 10.

Blommard vs. Oliver Pollock to answer certain questions.

No. 3538. 2 pp.

Court of Alcalde Pedro de Verges.

No Assessor.

Escribano, Mazange.

This brief entry is chiefly interesting because it shows the activities of Oliver Pollock and other people with typical English names.

Juan Blommard in a petition says that it is convenient to his rights that Ricardo Dubal (Duval), who is at present in the city answer the following questions:

1st. Q. Is it not true that in the month of March of 1779, he brought to this city from Natchez a cargo of white oak staves of various dimensions and some shingles directed to Pollock?

It is an ex parte proceeding to preserve evidence of transient witnesses, and seems to be unconnected with any existing lawsuit.

2nd. Q. Is it not true that just as soon as he arrived in the city he delivered all the above to Pollock who gave him a receipt?

3rd. Q. Is it not true that he delivered all the wood to Pollock who took various pieces that were fit for his Bargentine and that he also took some shingles.

4th. Q. Is it not true that Juan Campbell petitioned the witness to sell him all the forementioned wood and that he answered that the delivery had already been made and that the wood was not his, that it belonged to Mr. Blommard who remitted it to Mr. Pollock on account for an amount that he owes him of from 800 to 900 pesos and that this wood arrived in the city and was delivered fifteen or twenty days from the confiscation of the English barks.

He further asks that as the witness is English let an interpreter be named to translate for him. Alcalde de Verges rules let the witness swear and declare to the tenor of the interrogatorio and let Ricardo French be named interpreter who must accept and take oath in due form.

Richard French qualifies and answers for Ricardo Dubal taking oath on the Holy Evangelists because he is a Protestant and he said that the questions were true in all that they contained and he added that when the witness left the city this time to return to his home he saw that Oliver Pollock continued to gather up and to take the wood that was enough for his use. This declaration is signed by Richard Devall, Richard French and Leonardo Mazange. In the margin Richard French signs a receipt for 15 reales for acting as interpreter.

July 11.

**Juan B. Macarty vs.
Joseph Montard.**
No. 3571. 22 pp.
Court of Alcalde
Pedro de Verges.
Assessor, Postigo.
Escribano, Mazange.

To collect a debt.

This proceeding illustrates the equitable feature of practice in the Spanish days. The defendant is sued on his note and he is ordered to verify his signature under oath. Such verification under the law of that day precluded a defense based on oral testimony.

Suit upon a note for 380 pesos, 1 real. Defendant is ordered to verify his signature and defaulted. A writ of citation is demanded but not issued because plaintiff reports that Joseph Motard is ill in his home, and asks that the escribano be sent there to take his declaration. Escribano Mazange takes Motard's declaration in which he verifies his signature, acknowledges he owes the amount stipulated in the notes and says he has made various payments on account, but that he only owes in roebuck skins which he has offered to deliver and Mr. Macarty has refused to take them.

The defendant defaulted and execution was ordered, but it appeared that his default was due to illness.

The Escribano thereupon visited the sick man, who verified his signature with the qualification that the note was payable in skins, not in money.

To this defense the plaintiff countered with another and on the face of the pleadings and explanatory plea, the court decided in plaintiffs favor but reduced his claim by denying interest.

The litigation was closed by defendant paying the amount of the judgment and costs.

due. As Motard has acknowledged his signature plaintiff prays for a writ of execution since defendant was not one of the residents who suffered from the storm as he was up in Illinois then. This execution against his property to be carried into effect for the full amount of 380 pesos, 1 real, or roebuck skins at current prices on the date of delivery, the one-tenth and costs. Alcalde de Verges orders the writ of execution issued. It is served by Pedro Bertoniere, deputy sheriff, who reports that he went to Joseph Motard's house to seize enough property to cover his indebtedness, but could find nothing to attach.

The next entry is a certified copy of a Notarial Act by which Joseph Motard, or Moutard appoints Rafael Perdomo to be his attorney and through him he petitions saying: That he has been notified of a decree condemning him to pay a sum of money that is very prejudicial to him. He asks that this decree be revoked and that the records of the case be delivered to him. The Court orders the records turned over to him, in the customary way, for two days.

Juan Baptiste Macarty states that a writ of execution was issued in his favor against Moutard's property for 380 pesos, 1 real, which he was requested to pay by the deputy sheriff, who was unable to seize anything, as the defendant has no property. He asks that Jean Durel swear and declare if he has in his possession any money, papers, or other effects belonging to Moutard and if so, to permit him to make seizure to satisfy payment of the debt. Alcalde de Verges rules accordingly. Jean Durel declares under oath that he has 13 packets of roebuck skins that according to Moutard's orders he has already offered to Juan B. Macarty and will deliver them promptly to whomsoever the Court will specify.

Macarty replies in a petition it is true that Motard has offered a few days ago to pay in roebuck skins, but he does not wish them now as they were to have been delivered to him in December, 1778, in the time of peace, and when he (McCarty) had an agreement to make a payment in skins, but after a lapse of 18 months from the date upon which the delivery should have been made defendant now wishes to settle his debt with pelts at a season when there is no demand for them, offering them at current prices and not as quoted at the time the note was

Moutard protests against executory proceedings and complains of being called upon to pay a debt that was incurred in pelts in hard money and for cash with costs as well. He asks that he be permitted to pay his debt with the skins that are in Mr. Durel's keeping, these will be promptly delivered to the plaintiff. Alcalde Pedro de Verges, on Postigo's advice rules: Let the defendant's opposition to the execution be considered so as to examine into the truth of it and let Juan B. Macarty swear and declare if the note that he has filed with these proceedings, dated February 26th, of this year just past, in which Joseph Moutard acknowledges to owe 40 pesos is official and if the sum specified was lent in effective money, or if it was a promise to pay the interest on the 400 pesos remaining due on the other obligation sued on. And done let the declaration be returned to the Court.

Juan B. Macarty declares under oath that he has received this note of 40 pesos to indemnify him for the delay in payment of the defendant's obligation, that was to be paid 2 months after the day it was executed at which time roebuck skins were worth only 2 reales and that his opponent was not able to fulfill his obligation entirely in roebuck skins, there remained due 400 pesos for which he received the note as is the custom of commerce, when he was not paid in pelts. In due time he made his claim for 440 pesos that is owed to him. This is for the full amount plus interest at the rate of 10%.

Alcalde de Verges on Postigo's advice rules; that having considered these proceedings, let Moutard or his attorney be notified that within three days he must pay 380 pesos 1 real to Juan B. Macarty for the full amount of the pelts that must be delivered to him and for failing to make a change in the contract obligating himself to pay Macarty. For this purpose let any property found in his possession be seized or that any other person may hold belonging to him and let the corresponding writ of execution be issued to cover this sum.

Juan B. Macarty and Joseph Moutard petition jointly, saying that they have adjusted their differences and that Moutard is free of all responsibility of the debt and for this reason let his notes be delivered to him and let it be declared who shall pay costs. Alcalde de Verges, on Postigo's advice rules; that Moutard must pay them. The defendant receipts for the original notes and pays costs taxed at 25 pesos 4 reales.

July 22.
**Joseph (Luis) Diard vs.
 Pedro Poidras (Julien
 Poydras.)**
 No. 3552. 32 pp.
 Court of Alcalde Piernas.
 Assessor, Postigo.

This record opens in Pointe Coupee with a petition by Louis Diard to the Commander of the Post, Mr. de Grand Pré, stating that he has sent a lot of merchandise to Mr. Poydras, in New Orleans, as is shown by the invoice here attached

**Escribano, Leonard
Mazange.**

To collect a debt.

Poydras, the defendant in this cause was a man of consequence in Louisiana, whose name still survives in our colonial literature and in charitable institutions developed on a foundation established by him.

One of the principal commercial streets of New Orleans bears his name.

He also has the distinction of being the first poet of Louisiana.

The conduct of the lawsuit reported in this entry bears out his reputation that history still preserves a just and fair man.

It appears that Diard and Poydras entered into a commercial joint adventure in which the former furnished certain goods and the latter undertook to market the same on a division of the profits. Diard sued for a considerable sum of money but arbitrators decided that Poydras was indebted only in the sum of 200 pesos, which he paid in due course with costs amounting to 133 reales.

This lawsuit illustrates another phase of the legal procedure and practice in Louisiana in the Spanish era.

It was begun before Grandpre, Post Commander at Pointe Coupee, the domicile of both parties.

The issues were developed in writing, and the Bills of Lading, Accounts current and other evidence was produced before the Commander.

At this stage the latter ordered the parties to present their complaint to the Superior Court of the Province in New Orleans and doubtless the record was transmitted by him.

amounting to 7947 livres 17 sols 4 deniers to be sold by Poydras with the profit divided between them. He has furnished a second invoice with a current account and asks that Mr. Poydras be summoned to appear and to produce a bill of sale and to pay him 24% of the profits as he promised. Commander de Grand Pré sends this petition to Poydras who answers, saying that he does not understand anything that is set forth in the petition. The party must be mistaken, or is acting in bad faith. He balanced accounts a long time ago and gave the plaintiff 750 piastres as will appear from a receipt given him by Mr. Diard, who has not in his possession any other title of indebtedness other than the current account that he produces. Signed at Pointe Coupee by J. Poydras and Missionniere.

Here attached are the accounts mentioned by Diard showing the bill of lading for the goods sent to Poydras, amounting to 7947 livres, 17 sols, 4 deniers. Luis Diard makes a second petition to Commander Grand Pré, answering Poydras' declaration. He asks that his opponent be summoned to answer in person and to prove that he owes nothing and that he has paid in full. Grand Pré orders the parties to appear. Missionniere states that he notified Poydras of the foregoing petition and decree.

The next entry is entitled:

Observations placed before the Commander of Pointe Coupee and Opelousas, Antoine Ricard de Rientord by Julien Poydras, merchant of that Post,

In New Orleans it is heard before one of the Alcaldes (Piernas) with the law judge (Assessor Postigo) in attendance, whereupon plaintiff suggested that the question at issue was purely commercial and should be submitted to arbitration.

This is adopted by the Court and the parties ordered to name their arbitrators, who in due course decided the issue as indicated above.

The record is of historic importance because of the character of the parties, the report of the arbitrators and above all, a well written manuscript of Poydras covering his side of the controversy. We have so little of the latter's writings that this may some day interest the historians of our literature.

One of the unsettled points in the history of that era concerns division of jurisdiction of the New Orleans courts.

The Court of the Governor was the dominant one and the two Alcaldes were inferior to this.

How then did the Alcalde get this case?

condemned to pay the abovesaid 177 pesos, 3 reales, $\frac{1}{2}$ maravedi, which is all the money he has belonging to his opponent.

Diard presents another reckoning showing an indebtedness of 7696 livres 7 sols for goods shipped to Poydras with further complaints and demands and on July 2, 1779, Grand Pré orders the parties to carry their case to the Superior Court of the Governor General in the city. The suit is received by Governor Galvez, July 21, 1779, and is sent to his Assessor General for legal advice. There is also sent from Pointe Coupee a statement of accounts showing an indebtedness of 3963 pesos 1 real 7 maravedi and other vouchers all marked as "Procedure between Louis Diard plaintiff against Julien Poydras defender." Among the vouchers is a receipt signed Janqui for 32 piastres gourdes, dated January 1776, another signed Antoine Limier, Captain of the barge signing in favor of Mr. Diard for freight sent to Poydras. One letter from Poydras to Diard, dated November 19,

defendant against Luis Diard, merchant, also of that Post, plaintiff, over the product of the sale of some merchandise placed in partnership with the defendant.

In 10½ pages of argument, Poydras tells his side of the affair which began in November, 1776, when Diard gave him articles of merchandise to sell in the city, amounting to 1385 pesos, 1 real. He goes on to tell of different transactions and of the difficulty of making collections for goods sold, owing to poor crops. The purchasers for the most part paid only one half of the obligation. After going into detail he gives a resume of the articles and provisions sold showing a balance of 1717 pesos, 4 reales, $\frac{1}{2}$ maravedi, after making all deductions for expenses, etc., there remains a balance of 177 pesos, 3 reales, $\frac{1}{2}$ maravedi, which is all that is due Diard. Enclosed with this statement is a receipt signed by Morgan & Mather for 500 piastres received from L. Diard, dated New Orleans, 1777. Poydras asks to be

1776, relative to 90 pounds of indigo sent to Morgan & Mather in which he takes up the items shipped to him for sale. An order signed by Poydras asking Diard to pay Mr. Simon 4 piastres $\frac{1}{2}$. Another entry is an account for what Mr. Poydras owes to Mr. Diard for merchandise sent to Pointe Coupee to be sold on account amounting to 3321 livres 15 sols 7 deniers. The last is a copy of an account amounting to 3809 livres 8 sols 7 deniers. This is signed "Paid" by Fortier Jr.

The suit being now before the Court in New Orleans, Luis Diard presents a petition to Alcade Piernas setting forth that as this affair is purely commercial, he desires it submitted to arbitration, naming for his part, Alex Reaud, praying that Mr. Poydras be ordered to do likewise. Piernas on Postigo's advice rules accordingly. Pedro (Julien) Poydras answers consenting to arbitration, naming Juan Suriray as his arbitrator. Piernas on Postigo's advice accepts both Suriray and Reaud as arbitrators and sets the 22nd of the current month as the day for their meeting and orders them notified. The two forms for acceptance and oath are written out, but never signed by either.

George (Luis) Diard objects to Juan Suriray because he says he is too much occupied to give the time necessary to arbitration. He asks that Poydras be ordered to name some one else. Piernas on Postigo's advice orders Poydras to name another arbitrator within two days. Poydras answers that he has named Suriray and prays the Court to accept him. Piernas rules accordingly.

The report of the arbitration is dated August 5, 1780, and signed Alex Reaud and Suriray de la Rue who state that after due examination of the documents and accounts, presented by one against the other, they can find nothing to prove Mr. Diard's claim. The only thing they do discover is the formation of a private venture in which Diard made the advances and that in time he transmitted various articles to Poydras to be sold for his account and a letter to Diard from Poydras dated November 19, 1776, in which he says: "I have sold for 1500 piastres from our private venture, the rum, but the "Bretagnes?", hats and guns remain unsold because they are too dear. The arbitrators do not think that Poydras ever received the 1500 piastres mentioned in the letter, and that the other items remained unsold. After reviewing the various statements of accounts they decide that the sum due Mr. Diard is 200 pesos. Both litigants accept this sentence by arbitration and ask for a taxation of costs which amounts to 133 reales.

August 6.

Despatch issued at the request of Luisa Letellier to have brought to the city from St. Genevieve the movable property and negroes left by the death of her husband.

No. 3565. 90 pp.

Courts of Acting Governor Pedro Piernas and Governor Esteban Miro. Assessor, Juan Doroteo del Postigo.

Escribanos, Leonardo Mazange and Fernando Rodriguez.

This is the succession of a man who resided in and died at St. Genevieve, Illinois. He left a will in which he stated his wife had abandoned him more than twelve years before and he bequeathed his entire estate to a son born after she had deserted him.

The record is valuable as one of the first Spanish documents so far found dealing with the settlement of an estate in Illinois. The papers show the proceedings taken there before Post Commander (or Governor) Francisco Cruzat.

Under the order of Governor Miro, the estate in Illinois is administered and the proceeds comprising pelts and slaves were transmitted physically to New Orleans and delivered to the widow and son. The freight charges on this cargo was 74 pesos.

several slaves, some houses and a plantation, as she has been told and according to his will, a copy of which she presents, wherein he leaves several donations that must be paid from his estate. Considering that one half of this estate belongs to her and that likewise her dowry is included in it, she prays that the Commander of the Post of St. Genevieve, Francisco Valle, send an inventory of all the movable estate, slaves and landed property to this Superior Court so that she can claim her rights. Piernas on Postigo's advice accepts the documents presented and orders the will which is in French translated into Spanish by

The first entry is a baptismal certificate dated December 5, 1768, of Nicolas, son of Jacques Duroussel and Louise Marguerite Tellier. (Letellier). The godparents were Nicolas Ducret and Joseph (a) de Teste. The second entry is the Notarial will of Guillermo Deroussel made by Francois Valle, Judge at the Post of St. Genevieve in Illinois. The testator says that his wife, Louise Marguerite Tellier, has abandoned him and has been away from him without his consent for 12 years, refusing to live with him. Excepting several donations, he leaves all his movable and immovable property to his male child born to Louise Marguerite Tellier some months after she left him. This is the only child that he recognizes as his legitimate offspring. He wishes it understood that if this son has already died, or if he should die before he reaches maturity, all his property shall be divided in equal portions among his heirs in direct, or side lines of him, the testator. He names as tutor to his son, Simon Huberdau, resident of the Post of St. Genevieve. He makes provision for paying all his debts.

Luisa Marguerita Letellier, widow of Guillermo Deroussel, sets forth that her husband has died at St. Genevieve, leaving

Pedro Bertoniere. There is a copy of the marriage contract filed with the record. This is followed by the translations.

Piernas on Postigo's advice orders the corresponding despatch issued and sent to the Commander of the Post of Illinois, Lieutenant Colonel, Francisco Crouzate (Cruzat) directing him to sell the estate left there at the death of Santiago Guillermo de Roussel and send its product to this Court so as to put his minor son into possession of it. Let all his lawful debts be paid, Summon before his Court all the legatees so that either for themselves, or by instructed representation they may present themselves in this Tribunal to claim their rights. On the first occasion let him send all the slaves belonging to the succession so that they may be sold in this city at the most advantageous prices. This despatch is issued and sent.

Pursuant to this order the Post Commander transmits to New Orleans copies of the entire record of the proceedings had in St. Genevieve. This is in French and extended from April 19, 1781, to February 19, 1782. The documents include the probate of the will, the inventory, the sale of some of the effects, the account of Jean Baptiste Pratte showing a balance on hand of 7187 livres. The inventory shows *slaves*, real property, indigo equipment, tobacco, etc. The petition for sale avers that the slaves are an insane mother and her two children. The auction sale at St. Genevieve shows that the entire estate except the slaves was sold and the price paid in pelts. The slaves and pelts were delivered to Renato Rapicault Bourgeois, Captain of the boat that brought them and the pelts to New Orleans.

These papers and property seem to have reached New Orleans in March, 1782, and on the twentieth of that month Governor Miro entered the following order:

Whereas the Commander of the Post of St. Genevieve in Illinois, Don Francisco Cruzat having sent to this Tribunal the proceedings of the inventory and sale of the estate left by Guillermo Deroussel, resident of that Post, also the pelts that the sale of it produced and four slaves. His Lordship says he must order and does order that these records be attached to the proceedings that were begun in this Tribunal on the petition of Luisa Letellier, widow of the deceased and done, deliver the pelts and slaves which must be promptly placed at the disposition of this Court, the widow must take the necessary proceedings to be placed in possession of the said pelts and slaves.

On the same day, March 20, 1782, Leonardo Mazange certifies that he went to the bank of the river where he found the boat belonging to Renato Rapicault (Bourgeois) that had just arrived at the capital from St. Genevieve in Illinois, to verify

the delivery of the pelts and slaves that had been brought to the city, proceeds from the estate left at the death of Deroussel, resident of that Post. There were present, Marguerita Luisa Letellier, his widow, and there was delivered to her before me, the undersigned Notary, 17 bales of skins, a negro named Santiago, a negress named Maria, seeming to be crazy, Maria Luisa and Pelagia, little negresses, her children. All of which the widow took in charge and acknowledged to have received, which she agrees to present in Court whenever commanded to do so. The witness to the transaction signs Guinault (Santiago Felipe) although Luis Lioteau and Fernando Rodriguez are mentioned as also present.

Mrs. Deroussel appoints Fernando Rodriguez to act as her attorney, who presents a petition for his client to name a curator ad lites to represent her minor son, who is his father's universal heir so that suitable proceedings may be carried out. Governor Miro names Francisco Broutin, curator ad lites for the minor child, who qualifies giving Juan Bautista Tou noir as his surety and Miro signs the act of appointment to curatorship. Broutin then petitions for a sale of the pelts and slaves after appraisement by experts. The skins are in danger of being destroyed by moths. Miro appoints Francisco Bijon and Adrien Joseph de la Place to appraise the property, and they make an inventory and appraisement of the slaves and pelts. Broutin asks that this inventory and appraisement be approved and all ordered to abide by it. This is sent to Mrs. Deroussel, who fails to answer, and he asks she be declared in default and the proceedings for warning her be drawn up. Miro orders Mrs. Deroussel to answer for the first hearing. After a second petition of notice Luisa Letellier, Widow Deroussel answers asking that the inventory and appraisement be approved and all be condemned to abide by it. The Court thereupon approves the same and condemns all to abide by it.

Broutin prays for the three public calls for the sale of the effects; granted and the cries were made April 24, 26, and 30th. On his application Governor Miro orders the last call and the sale to be made May 7th. At the auction the slaves are offered first, then the skins, the whole being adjudicated to the highest bidders. The curator asks for the accounting and partition of the estate. Miro sends this petition to Mrs. Deroussel, who objects because the proceedings would be costly. She asks that a division be made without an account and sworn statement. Miro decrees that the account and sworn statement must be made in due and proper form and that costs be taxed to be included with them. Luis Lioteau qualifies and taxes costs at 67 pesos 6 reales. The account and sworn statement is presented by the widow, with one voucher, Captain Rapicul's receipt for 74 pesos for bringing the slaves and skins to New Orleans from St. Genevieve.

Recapitulation

Assets	1126	pesos
Charges and deductions.....	175	" 6 reales
Liquid balance	950	" 2 "

She asks that the curator ad lites to her minor child approve the foregoing. Governor Miro orders it sent to Broutin who presents his reckoning in contestation as:

Recapitulation

Assets	1126	pesos
Charges and deductions.....	169	" 6 reales
Liquid balance	956	" 2 "

Which he prays to have approved and all parties ordered to abide by it and that the partition be made in conformity to his reckoning. Miro rules to pass final judgment and make the partition, but this is never done. The record ends here and is to that extent unfinished.

August 11.

**Intestate Succession of
Claudio Terrier.**

**Inventory and valuation
of the estate.**

No. 3580. 85 pp.

Courts of Alcaldes Pedro de Verges, Guido Dufossat and Jacinto Panis.

Assessor, Juan Doroteo del Postigo.

Escribano, Leonardo Mazange.

The decedent was the proprietor of a billiard hall and gambling place.

Like all these Spanish records, it furnishes an excellent view of the economic situation of the parties and of the marital property relations of the spouses.

The widow is recognized and put in possession as such, inasmuch as the total estate does not exceed her dowry established by the marriage contract.

The record opens with the official notice of the death of Claudio Terrier, who has left several slaves. The keys are collected from Mrs. Catherine Terrier, the widow. The escribano certifies to the death. Almonester and Mazange testify that no will has been filed with them. Alcalde de Verges rules that Claudio Terrier has died intestate leaving a legitimate heir, absent from the Colony. He names Francisco Broutin for his defender, who must accept, take oath and give bond and appoints Fernando Rodriguez defender of the widow. Broutin qualifies, space is left blank for the name of his bondsman. Pedro de Verges confirms the act of curatorship. Broutin, as curator for Claudio Terrier's absent minor child, petitions to make an inventory and appraisement of the estate. He names Adrien de la Place as ap-

Both husband and wife were natives of the French and Spanish West Indies.

ventory and confirms the appointment of appraiser, who must qualify. The widow must be notified to name her appraiser. Adrien de la Place accepts and takes oath. Maria Catarina, widow Terrier, petitions to name Francisco Vigion (Bijon) as her appraiser, who is acceptable to the Court. He qualifies.

The inventory is made in the presence of Alcalde de Verges, Leonardo Mazange, escribano, Francisco Broutin, defender of Claudio Triere (Terrier) legitimate son of Claudio Triere, and of Maria Catalina, his wife, absent, and her defender Fernando Rodriguez, and the two appraisers, Adrien de la Place and Francisco Bijon. They all left the city to go to make the inventory in the country, the estate consists of a billiard table, bench, tables, chairs, cards, etc., and all paraphernalia for a gambling house and tavern. There are also house furnishings, wearing apparel, provisions, slaves, notes, etc. When the inventory is finished, Mrs. Triere asks that the other parties abide by it. Alcalde de Verges orders this petition sent to Broutin, who answers, saying he has examined the inventory with all possible attention and has nothing to say against it. He prays the Court to condemn all to abide by it. Alcalde Pedro de Verges rules with the consent of the parties he approves the inventory and appraisement and condemns all to abide by it. Let the records of the case be delivered to the curator to promote what is suitable.

Broutin sets forth that considering the widow is very old and cannot increase the property, but on the contrary will diminish it, he asks that it be ordered sold.

A certified copy of a marriage contract is filed. This was executed October 17, 1746, Siege Royal of Fort Dauphine, Island and coast of Santo Domingo, between Claudio Triere, native of St. Pierre de Martinique, son of the late Francois Triere and Elizabeth Fleury and Marie Catherine Theodore, or Theodon, daughter of Jean Theodore and Laurence de Lyon, native of St. John the Baptist of Hoyo. This contract is to be governed by the Custom of Paris. The bride has quite an extensive dowry, consisting of cash, slaves, wearing apparel and jewels. This certified copy is dated February 21, 1774, and when it is presented by the widow it is ordered translated into Spanish. This is done by Francisco Langlois. The widow, in presenting it avers that her husband's estate is not quite enough to cover her dowry and she asks that it be delivered to her at the price of the appraisement. Broutin offers no objections, provided she gives an account and sworn statement of what is in her possession, so as to close the rest of the necessary proceedings. Mrs. Triere presents this statement:

praiser, and asks the widow be ordered to name hers. Alcalde de Verges rules to make the in-

Recapitulation

Assets	2277 pesos 2 reales
Charges and deductions....	2588 "

This is contested by Broutin who gives his reckoning as:

Recapitulation

Assets	4598 pesos 3 reales
Charges and deductions....	1814 "
Remainder	2784 " 3 "

This is followed by a series of entries entitled: Creditors of the estate of Claudio Terriere (Trierre) deceased. The first is Santiago Leduc who claims a debt of 38 pesos 4 reales, he asks that this claim be entered against Mrs. Trierre's property. She acknowledges this debt as just. The second claim is entered by Miguel Frilloux St. Eloy for 79 pesos. The widow petitions that this debt be paid. Broutin opposes it, however, as the claimant has not presented any written evidence of the debt. Unless he can produce a legitimate claim he should not be paid. Luis Jousson claims 185 pesos, which he says he lent the deceased, but has nothing to show for it.

The widow reiterates her plea to have the estate adjudicated to her at the price of its valuation as it is not sufficient to cover her dowry, which is made evident by her marriage contract. Broutin consents and says; considering that the widow does not wish to take charge of the papers and active debts because of her age and infirmity and as the time does not permit for their collection, in case they should be collectable he asks that all papers be delivered to him.

Alcalde Dufossat rules that with the consent of the parties the estate is adjudicated to the widow of Claudio Trierre and he interposes his authority and judicial decree and orders that costs be taxed by Andres Armesto. Costs amount to 210 pesos 2 reales.

Rafaels Perdomo after much time, complains that the costs have never been paid. He asks that one of widow Trierre's slaves be seized and placed with the General Receiver to be held for payment, or until costs are settled by the widow. Panis on Postigo's advice rules; let the widow be notified to pay the costs within three days with a warning of what will take place according to law. The end.

August 12.

Elena, a free negress petitions for the freedom of her son, a slave of Henrique Desprez at the price of his appraisement.

Elena, a free negress, sets forth that while she was a slave she had a son, named Maylois, who now belongs to Henrique Deprez. A free negro, named Jasson, his father, has sent her the money

No. 3558. 19 pp.
 Court of Alcalde Pedro
 Piernas.
 Assessor, Postigo.
 Escribano, Andres
 Almonester.

This record seems to establish the right of a slave in the Spanish Era to purchase his freedom or to have it purchased for him.

There was no final decision, however, but numerous cases are cited by the petitioner to show judicial authority for the action.

to buy his freedom and as his mother she names as her appraiser Antonio Gilberto Maxent. She asks that Mr. Desprez name his so as to place a value on Maglois. Piernas rules: Appoint the appraiser that the party mentions and let him accept, swear and declare in due form of law. Let Desprez be notified to name his within two days to put a value on the slave, with a warning to Desprez that if he fails to do so the Court will proceed to the appointment.

In a second petition Elena states that Antonio Gilberto Maxent has asked to be recused so she petitions to appoint Basilio Ximenes in his place, as appraiser for her son. Piernas rules to accept this substitute and orders Desprez to name his appraiser within two days and to proceed to the appraisement. Basilio Ximenes qualifies. Enrique Desprez answers naming Seimars de Bellile as his appraiser. Piernas accepts him and de Bellile qualifies. These two appraisers proceed to place a value on Maglois. Francisco Bellile says he is worth 800 pesos and Basilio Ximenes says 600.

Elena prays for a third in discord, since the two appraisers named cannot come to an agreement. Piernas names Antonio Astier as the mediator. He accepts and qualifies, placing the value at 600 pesos. The mother asks permission to buy her son's freedom at 600 pesos and that Desprez be ordered to accept this amount, and to have a letter of emancipation drawn up for him at this price. Piernas orders this petition sent to Postigo for legal advice. There is a new ruling signed by Piernas and Postigo to the effect that after examining the appraisement made by Francisco Bellile, Basilio Ximenes and Antonio Astier as they do not conform one with the other let another third in discord, Juan de la Costa be appointed. He is notified, accepts, and qualifies, estimating Magloir at 800 pesos.

The petitioner asks to have the records of the case delivered to her. Piernas rules; As it is prayed. She then presents a long petition in which she asks to have the decree naming a fourth appraiser, in discord, revoked as it is contrary to law, which speaks only of a third in discord. She goes on to claim that she is being overcharged in the matter of her son's value. He is a poor, miserable slave who is denied his freedom. Desprez claims all sorts of impossible talents and abilities for her son, whereas many others say he is a thief and a drunkard and that he has been arrested. He has been in Desprez service for 5 years and only cost 500 pesos at public auction to be paid for

within one year and if he had been sold for cash he would have been bought for 400 pesos as that is the present legitimate value of a slave who knows no trade. Carlos, a joiner, Mrs. Bienvenu's slave, was freed for 750 pesos, the price of his valuation. Andres, an expert blacksmith, Patricio Magnimara's slave was valued by a third in discord at 800 pesos. Slaves belonging to Madame Vilemon, Salomon Malines, Juan Dubourg were all freed at the decision of a third in discord. Henry Desprez puts too high a value on her son, a negro without a trade, a drunkard and a thief. He cannot be worth as much as a mulatto of 25, who is a master carpenter, such as Mrs. Bienvenu's Carlos, or a master blacksmith. There was also Luis, a carpenter by profession, a master in his trade, belonging to the Capuchins, who was valued at 800 pesos. She begs the Court to consider 600 pesos as sufficient for her poor miserable son and she will promptly exhibit this sum before the present escribano so that he may draw up the act of emancipation. Piernas on Postigo's advice rules; Petition denied, let the parties appoint new appraisers and failing to do so, they will be appointed by the Court. Louis Allard makes a new appraisement saying the negro is worth 800 pesos.

Andres Almonester, original escribano of this suit, sets forth that because he is occupied with affairs in the royal service, he asks to be recused, as clerk, and that another be appointed in his place, he asks that his successor give a receipt for 600 pesos that Elena has deposited with him to pay for her son. Piernas on Positigo's advice appoints Leonardo Mazange to succeed Andres Almonester, as escribano in the proceedings instituted by Elena to buy the freedom of her son. This ends the record which is unfinished.

August 12.

Juan Paillet petitions to sell a boat belonging to one called La Joie.
No. 3575. 6 pp.
Court of Alcalde Piernas.
Assessor, Postigo.
Escribano, Leonardo Mazange.

One who had been using the boat of another in commercial trips to the Illinois complains that the owner is absent and delays taking back the boat, and that the petitioner no longer desires to be responsible for it.

He asks the court to order the sale of the same.

This record begins with the act of sale dated St. Genevieve, July 3, 1777, by which Louis Delorier sells a boat to Mr. Lajoye. On the back of which is a receipt signed by Delorier, dated New Orleans, March 9, 1778, acknowledging to have received from Mr. Paillet 1750 livres in payment for what is due on the other side (of the paper). With this exhibit as a basis, Juan B. Paillet petitions, saying: That two years before Mr. Lajoye left to his administration a boat to make commercial trips to Illinois. He has had charge of it up to the present, but seeing the delay of La-

While this was in progress the hurricane of August 24th, 1780, wrecked the boat. The court orders this fact recorded.

longer, so he asks that it be sold at public auction, that in this way Lajoye will see its real value and he will be discharged of its responsibility. Piernas sends this petition to Postigo for legal advice, who instructs the Court to order the boat sold at auction. The first, second and third calls are given August 14, 19 and 23.

Then Paillet petitions, saying that the boat that was cried for sale was wrecked by the hurricane and asks that the present escribano certify to this fact. Piernas on Postigo's advice rules accordingly. Leonardo Mazange certifies that he went to the levee of the Mississippi River where he was informed that Mr. Lajcye's boat was moored, which does not exist now. He was told by many of the people of the city that it was wrecked with the others that were tied up in the roadstead, the 24th of August just past, at 5 o'clock in the afternoon, from the effects of the hurricane. This certificate is dated August 29, 1780. Paillet requests a copy of these proceedings to protect his rights. Piernas on Postigo's advice grants this petition. Costs are taxed at 80 reales.

August 15.

**Criminal Proceedings
against Pedro Espinosa.**

No. 3557. 11 pp.

Court of Alcalde de Verges.

Assessor, Postigo.

Escribano, Leonardo

Mazange.

The defendant seems to have been a peddler up the river. He is accused of receiving and selling stolen property, to-wit, silver spoons and forks.

He is jailed and examined and other witnesses are also examined.

The record leaves him in jail.

imate value of all the effects. With this declaration, Alcalde de Verges orders the prosecution to begin by first placing Espinosa in prison in this city, secondly seize his property if there are no slaves. The arrest is made and Pedro Pisani, the warden of the prison, certifies that he holds Pedro Espinosa as a prisoner.

joy, the owner, in taking back his property, and as the boat does not give satisfaction and is exposed to the risks of the river he can not keep charge of it any

The official announcement of the crime reads to the effect that these proceedings were begun by Pedro Massicot, resident of the German Coast, who a few days before bought from a traveller, Pedro Espinosa, various articles consisting of silver spoons and forks marked "W" and a fleur de lis, "L. M." "P. C." and "A. J.", two pairs of silver buckles, eight plates and a tin platter, one iron collar, ten pounds of old nails, all for 22 pesos, 2 reales. He bought them with the intention to turn them over to the Court because he knew that what he had paid was not the legitimate value of all the effects.

The prisoner is questioned by Alcalde Pedro de Verges in the presence of escribano Leonardo Mazange, who declares under oath that he is a carpenter, but did not work because he has a cabaret on the plaza. He also makes voyages to the Coast about twenty leagues away from the city with the merchandise that he finds appropriate and that he can accommodate in his pirogue.

Asked what sort of merchandise he took to the Coast on his last trip, made the month before, and how many rowers did he have in his pirogue. He said the merchandise consisted of two barrels of brandy, four packages of salt, an iron collar for negroes, seven tin plates, two pairs of buckles for the bottom of troussers, a buckle for a boy, all silver, four silver forks and two silver spoons, and two pounds of nails.

To whom did he sell these effects? He does not know the inhabitants of the Coast, but he knows that it was on the other side of the upper river that he made the sale, but he does not remember if it was seven or eight leagues away from the city.

How many days did it take to go up to the plantation? He said six days. Did he sell the effects to one, or more persons. He answered that in going up he sold until there was nothing left but the two barrels of brandy that he brought back to the city.

From whom did he buy the effects that he sold? He bought the brandy from two Islanders, one named Domingo from Havana, the other a companion, whose name he does not remember. The Salt, he bought from Juan de Tergas, the collar from a sailor, named Juan Mahones, who brought it from Mobile; the tin he bought from Francisco Melo for 7 pesos 2 reales; the buckles he brought from the Canary Islands; the spoons he bought from a Spaniard who died in the Royal Hospital, whose name he does not remember.

What did the silver covers cost? He does not know because it was his wife that bought them.

How long ago did he buy the spoons and forks? He does not remember because it was his wife that made the purchase.

How many days since he made this voyage? He does not remember.

Was it before the last voyage that he bought the covers, or the one before the last? His wife will give the information as she must know. He does not.

How many times has his wife come to the prison to visit him? He said he had not seen her, nor spoken to her, as he is in a room shut off from all communication.

What is his wife's name? Juana Maria Martes.

If when his wife bought these covers did she not advise him of having made the purchase? He said he thinks she told him.

What are the names of the rowers of his pirogue? Where did they go and what salaries did they earn? He does not know the names of these men, who were afraid the King would make them embark by force in his service. They sailed with him on the pirogue and earned 4 reales a day, with food. They made the voyage up and returned, when they arrived at the levee, they asked for their salaries, he paid them at the rate of three pesos for the entire voyage which was for six days. This declaration was read to him word for word and he said it conforms to what he has said.

The next witness was Jeanne Maria Martes, wife of Pedro Espinosa. She was asked who had bought the articles for commerce both in the shop and on the coast? She said her husband.

What effects did her husband take on the voyage to the Coast? She said three barrels of brandy, four packages of salt, seven tin plates, one, or two pounds of nails, an iron collar for negroes, that was bought from a sailor, named Juan Mahones, who came from Mobile, on a ship, four forks and two spoons and a small buckle, all of silver.

From whom did they buy these effects and before what persons? They bought the brandy from Antonio and Domingo, the salt from Juan de Tergas, the silver from Domingo Francisco Melo, the collar was obtained as she has said above; the nails they gathered one by one; the buckles they bought from a sailor whose name she does not remember and the forks and spoons she bought from a man named Manuel. The sale was made in the presence of Pedro Philipe Laguna and Juan Vis-cayno, that Juan was in the boat in front of her house and Pedro in the boat that was careened.

What were the buckles worth and at what price were they sold? Her husband because he bought them will be able to answer this question.

For how much were the spoons and forks bought? The forks were bought for 12 reales and the spoons for 14 reales.

At what time were the spoons and forks bought? About a month ago, more or less.

Who were the rowers in her husband's pirogue? One was called Manuel, another Casanova, another Pedro and a tall man whose name she does not know.

With what kind of money did she buy the spoons? With effective silver.

Pedro Martin is the next witness. He was examined upon the testimony given by Juana Maria Martes, wife of Antonio Espinosa, and said that a sailor from the Frigate "Islem," Captain Joseph Mongeotis, Master, sold Mrs. Espinosa five pieces of silver, spoons and forks, for he saw the transaction, but he does not know if there were any defects in them.

The next to be heard is Philip Laguna, he says he did not see Mrs. Espinosa buy the spoons and forks, but he did see them in the cabaret and he asked her from whom she had bought them and she answered from Manuel, the sailor, who has a black patch over his eye. He entered the tavern, or cabaret at that moment and the witness asked why he had sold the forks and spoons. He answered that he had no money and was sick and wished to go to the hospital to be cured. Juana Maria opened a little box and took out some money which she gave to Manuel, but he did not know how much. This is all he knows of the affair.

Juan Fernandez testifies that he saw a white man who seemed to be a sailor whom he did not know. He came to Mrs. Espinosa's house with four or five silver forks and spoons, offering to sell and in fact he did sell them to Maria Juana, but he does not know for how much.

Alcalde de Verges, on Postigo's advice rules:

Having seen these records and the statements made in them, His Honor says that for the crime that results against Pedro Espinosa let his confession be taken and having done so let the necessary charges and accusations be brought against him.

The confession summarized from the questions to and answered by the prisoner gives the following information. He is called Pedro Espinosa, a native of the Canary Islands, a resident of this city, where he has a wife and children. He is a carpenter and is 25 years old. He was put in prison on an order from His Honor (Alcalde de Verges) he thinks it is because he made trips on the river and had sold some silver forks and spoons. Asked if he remembers having made a declaration and if he would like to have it made a part of his confession. He said yes and having read it to him word for word he verified it and said that it carried his signature. He says that he forgot to declare that on this voyage he made to the coast he sold a half dozen figured cotton napkins, that his wife gave to him for this purpose besides 10 pesos worth of fishing lines that he bought at the house of Riquero, his brother-in-law.

Asked if when his wife gave him the napkins he did not ask her where she got them. He said that when his wife handed him the napkins he did not ask her anything. He asked her to bring him something to take in the pirogue to sell so as to make some money to pay a debt that he had in the city and that his wife brought the napkins and told him to take them. He took them and put them with the rest of the things and did not ask any questions.

Asked why did he prefer to take the spoons, forks and napkins to the coast to sell and not try to dispose of them in

the city, where there are more people and consequently better opportunities to sell. He answered he took the things to the coast to sell because of two benefits, one is for the chance to sell the said effects and the other because of their value to the inhabitants. Reminded that if he must carry the effects to the coast to sell how can he say it was because they had a greater value there, when the records show that he sold four silver forks, two spoons, some silver buckles, eight small plates and a large one, an iron collar and 10 pounds of old nails, altogether for 22 pesos? He thought that he had had some advantage in the sale, because of the price at which the things were bought.

Reminded if he did not know that wrought silver had its weight and in consequence its regular value? He did not know the value and weight of a silver spoon and fork, but seeing that he was paid 2 pesos apiece he thought it was legitimate. Reminded if he did not know that it was a crime to buy such effects for less than the one half of the legitimate value. A man not knowing the real value should have taken them to the house of a silversmith to have them estimated, and which he should have done when he sold them on the Coast. He said that he did not buy them, as he has already declared, and that when he sold them he thought it was for their value.

Questioned when he left the city with the spoons and forks to sell them on the coast, why did he not have them weighed and valued before he left, so as to know their worth, since his wife did not take this precaution? He said he did not have time. Did it not occur to him, when his wife bought the spoons at such a low price that they might be stolen, particularly when he claims to have made on them. They are articles the value and weight of which is the same in the city as on the Coast. He said it is true that wrought silver weighs and has the same value in the city as on the Coast and therefore he took them in quality of effects that were more useful than effective money. This substantially covers the testimony given in the confession and de Verges rules:

Having considered these proceedings and the crime that results against Pedro Espinosa, His Honor said that he does and must make the charge against him and that he turns the records over to him so that he may set forth what may be necessary in his own defense, receiving immediately as he does receive this cause so that it may go on trial within a term of ten common days, with all requisite charges for publication, conclusion, citation for definite sentence within which time the witnesses must ratify the summary investigation and must answer for those who will be dead, or absent. This ends the record which is therefore unfinished.

August 18.
Estevan Barre vs.
Santiago Laffont.
No. 3544. 14 pp.
Court of Alcalde Pedro
Piernas.
Assessor, Postigo.
Escribano, L. Mazange.
To collect a debt.
Foreclosure of a Vendor's
Mortgage of 1500 pesos on a house,
corner of Royal and Conti Streets.

Francisco Murphy sells Esteban Barre a house on the corner of Royal and Conti, between Mr. Pedro de Verges and Mr. Pollock that he bought from Henrique Depre and Madalena Braziller, Widow Duplanty, husband and wife, that was bought before Leonardo Mazange, June 25, 1774. This real property is sold for 2500 pesos of which 1000 was paid in cash.

With these two exhibits as a basis for his claim, Estevan Barre, petitions, setting forth that it is evident from the foregoing that Santiago Lafond owes him 250 hard pesos and although he has tried often, he has been unable to collect, therefore he prays for a writ of execution against all, or any of the defendant's property and particularly against the property mortgaged, up to the full payment of 250 pesos its one tenth and cost and that the escribano be ordered not to draw up any act of sale, or alienation until this suit is concluded. Piernas on Postigo's advice issued the writ which is served, though never carried out as the two litigants settle their case amicably. Lafond agreeing to pay costs asking that these proceedings be cancelled and costs taxed. Piernas rules that with the consent of the parties this suit is annulled and cancelled. Let the costs be taxed. These amount to 9 pesos.

September 5.
Pedro Methode vs.
Pedro Bidou (Vidou).
No. 3566. 47 pp.
Court of Alcalde
Pedro Piernas.
Assessor, Postigo.
Escribano, Leonardo
Mazange.
Protesting a debt.

This suit is prosecuted partly in Pointe Coupee and partly in New Orleans. The first proceeding is a protest, dated September 5, 1780, before Charles de Grand-Pré, Graded Lieutenant Colonel of the Regiment of Louisiana, Actual Civil and Military Commander of the Post of Pointe Coupee, acting also as escribano, brought by Pierre Methode attacking an obli-

The plaintiff seeks to annul an obligation for 800 pesos executed by him before Charles de Grand Pre, Commander at Pointe Coupee, wherein plaintiff obligated himself to pay the defendant that sum of money in full settlement of the right of defendant's wife in the succession of her mother, the deceased wife of plaintiff.

In substance, the cause of nullity is want of consideration, and that it was executed in fear of civil prosecution that would have ruined the plaintiff because of his financial condition.

It appears that Marie Philippe de Coux was thrice married; (1) to Joseph Herbert to whom she bore children; (2) On his death, to Jean Dufond called Brindamour, to whom she bore children; (3) On his death to Pierre Methode, to whom she bore children.

Having departed this life, her last husband (Methode) married Elizabeth Legros, widow of Gosserand.

It also appears that the Successions of the first and second husbands of Marie de Coux were duly settled and that Pierre Bidou, acting for his wife, a daughter of the first marriage, had taken some part in these settlements.

When his mother-in-law died, he came from the Isle de Rhei, France, to Pointe Coupee and sought a settlement of of her succession from Methode, the the surviving third husband.

A settlement was reached through the document recited in the first paragraph of this note and then Methode immediately instituted an action to annul the same upon the grounds stated.

gation dated June 12, of the present year for 800 piastres, payable in two terms, consented to by him in favor of Pierre Bidou, resident of L'Isle de Rhè, France, now in this Post in Louisiana. It is for the entire settlement of the rights of Madame Catherine Herbert, Bidou's wife, regarding lodging, feeding and support from her infancy in France up to the day of the obligation.

Methode alleges that he expressed his surprise at this demand, as he never owed anything to the Herberts, or Mr. Bidou. Mr. Joseph Bidou, the father, died insolvent in the Charity Hospital of New Orleans. Plaintiff further avers that he signed this obligation through fear of a ruinous law suit with which he was threatened by Bidou, abusing him through his profound ignorance in these affairs, constantly reminding him of the laws and customs of Paris. Under these threats he lost the power to read and could do nothing but agree. He consulted two residents of the Post and having received their counsel, he consented to sign the obligation for 800 piastres (which he does not owe) to his great loss and prejudice, and that of his minor children and his creditors.

For this reason he protests formally against the said obligation and asks that it be declared null and of no value and in no way in favor of Mr. Bidou, or the Herberts sending to them a rendition of accounts of the succession, and the judgment and order for the

The pleadings of the parties are summarized at some length because they tell an interesting and a very human story, but a larger purpose is that these documents teach us somewhat of the civil procedure before the local Commanders of the Spanish Era in Louisiana.

This record clearly shows that the Commander was without authority to do more than to receive the pleadings and make up the record for transmission to the Governor in New Orleans, where it was assigned or allotted to the Court of Alcalde Pedro Piernas. The stage was here set for an exciting lawsuit and possibly for a judicial determination of an important point in Spanish Colonial law, whether one who executed a formal authentic act may attack it upon the plea of want of consideration, and of fear of a lawsuit.

Unfortunately for the historian, but fortunately for Methode he had in the interim recovered from his grief and married a rich widow who brought a considerable estate into the marriage.

Fearing the loss that would result from Bidou's lawsuit, his wife and his other creditors combined to institute a concursus, —whereunder the property and estate of Methode was brought under the protection of the Court and a stay of proceedings ordered and a respite of four years granted for the payment of his debts. The resulting display of Methode's financial condition seems to have discouraged Bidou, for the record ends with his French lawsuit from Pointe Coupee, untranslated into Spanish, and with no determination or conclusion of the opinion reached by the Courts.

have been settled by Monsieur (de Grand-Pré) who has deter-

partition of the estate of Marie Philipe de Coux, first the wife of Joseph Herbert, second the wife of Jean Dufond called Brindamour, third the wife of the protestant Pierre Methode, rendered November 17, 1777, and the 3rd, and 5th of December of the same year, showing the parts belonging to the respective co-heirs of the first and second marriages as fixed and collected by the interested parties, and Dame Catherine Herbert, wife of Piere Bidou, in his absence disposed of her share therein to the Greffier of this Jurisdiction, who handled the said lady's interests in virtue of her power of attorney granted to him.

Grand-Pré certifies that the above protest was made before him, the Commander, by Pierre Methode in the presence of witnesses.

Pierre Methode followed this protest with a petition to Commander de Grand-Pré in which he alleges that he makes the foregoing protest against his obligation for 800 piastres in favor of Pierre Bidou, husband of Catherine Herbert, whose surname he has assumed. He alleges she is a daughter of Joseph Herbert, who died miserably in the Charity Hospital in New Orleans. That Bidou now claims his wife's rights in this succession, although her father died insolvent and his widow was obliged to renounce the community. That Joseph Herbert was the first husband of Marie Philipe de Coux; after his death she married a second time, the late Jean Dufond, called Brindamour, and a third time to the petitioner, Pierre Methode. All these successions

mined the respective rights of the co-heirs of the first and second marriages.

It is further alleged that Bidou, born and a resident of L' Isle de Ree, France, seems to think his wife has a hereditary claim on her father's estate which has been dissipated before he died. That, however, the fact is that when Mrs. Bidou's mother, Marie Philipe de Coux married Jean Dufond, called Brindamour all matters were settled, though at that time Bidou tried to force each one of the heirs to give him 1000 piastres. Methode repeats what he has said in his protest and goes into detail as to how Mr. Herbert disposed of his slaves and other property before he died. When he became ill he was given a place in the Charity Hospital, where he remained until the end came. His wife after this saw fit to remarry, she took as her second husband, Jean Dufond, called Brindamour, and during her married life with him they acquired quite a considerable estate. After Mr. Brindamour's death, he, Methode, became Marie Philipe de Coux's third husband.

He further alleges Bidou now demands a part of this estate to support his wife in France, though neither her mother, nor petitioner have ever received one sol from her father's estate. From the time of her mother's death up to the sale of the estate, no account has been given of its administration, because after the inventory he was charged by the authority of the Judge to manage it until after the harvest. If the Herberts have rights in their mother's succession, they must share it with her other children and must consider the two other communities of their mother, as she left children by all three marriages. The Bidous claim a negress belonging to their mother's estate together with other slaves, but these were sold by Joseph Herbert before he died to buy drink, without his wife's consent. That judgment was rendered in the matter of the three communities before Commander de Grand-Pré, November 17, 1777, and an order for partition was rendered on 3rd, 4th and 5th of December of the same year and the part was fixed that must go to each of the heirs of the first, second, and third marriages. Bidou, himself, accepted this partition on behalf of his wife, his receipt in full for her share is in the greffier's office of this jurisdiction, signed by Claude Trenonnay, curator of the absent lady's cause. All the original papers in this suit are in the Greffier's office.

On September 7, 1780, Commander de Grand-Pré orders Bidou notified of the protest and petition, and Francois Emond, Jr., in charge of the order, certifies that he notified Mr. Bidou in person.

Pierre Bidou Herbert answers the day following, expressing surprise at the means taken by Mr. Methode to avoid payment of 800 piastres which he consented to by notarial act. He, the petitioner, has a full knowledge of the rights of defendants

wife in the succession of the late Mrs. Methode, her mother, as well as what has already come to her from its partition. Defendant's signed receipt is for what has been received, without prejudice to his wife's rights and that he will not be refused by the Court when he sees fit to press them. He attacks the good faith of his wife's second step-father in trying to defraud her of her just claim, yet all the while he has the use of Mrs. Methode's estate. Methode claims re-embursement for the education and support of Catherine Herbert, but fails to take into account that upon the partition of the estate belonging to her uncle, she and her brother went to his nephews and nieces when he died in France and, that this uncle, while their tutor, used for their education and support, money that came to them from their grandmother's estate, who had died in France. The defendant winds up this long argument in the form of a petition saying that he does not live in this Post, but in New Orleans, in Mr. Pierre Aubry's house and he proposes to go there immediately where Methode must direct his answer, if he has any to make.

Commander de Grand-Pré orders this petition sent to the plaintiff and Francois Emond, Jr., certifies that he delivered it in person.

Bound with this suit and the next entry is a series entitled "Proceedings of Pierre Methode's Creditors, 1780." This consists of several petitions by these creditors for the payment of their debts. They were presented to Mr. de Grand-Pré, Commander of Pointe Coupee and are a part of the records that Methode asked to submit to the Court in New Orleans. The first is signed by Jean B. Touinois; Missionniere, agent for Mrs. Methode, (Elizabeth Legros, first Widow Gosserand and now Mrs. Methode.) L. R. Duval, Fastio & Montsanto, J. Poydras, Mr. Nicolle, all asking to have Pierre Methode present, within 8 days, a statement of his active and passive debts. Grand-Pré orders Methode notified of this petition.

The next petition presented to de Grand-Pré is offered by Jean Baptiste Missionniere, representing Widow Gosserant, now the wife of Pierre Methode (evidently his second wife, successor of Mrs. Bertha Methode) wherein she states that her husband has been named tutor to her minor children by her first marriage, who received from the Gosserant succession 14049 piastres 6 reales according to the partition made before Mr. de Grand-Pré, December 2, 1778. Her husband has many creditors, with debts amounting to 6000 piastres, who will bring suit against him. Mr. Methode's property is already mortgaged to Charles Dufour. As mother and natural tutrix of her children by her first marriage, she must take proceedings to assure their rights, so she asks to be declared a privileged creditor, with her children, to the extent of the Gosserant succession.

Pierre Methode, pursuant to Grand-Pré's order presents a statement of his active and passive debts, and of the property

now in his possession so that it may be communicated to his creditors. The first is a statement of his debts amounting to 6208 pesos 1 real, this includes his wife's claim for herself and minor children for what came to them from the Gosserant estate. The second shows a table of what is owed to Mr. Methode, amounting to 874 pesos 6 reales. There is also a statement giving the names of the slaves and the plantation belonging to Mr. Methode, no valuation is placed on them as the slaves are mortgaged to Charles Dufour.

The creditors, viz: Mr. Missonniere, for Mrs. Methode, Pierre Goudeau, for Charles Dufour, J. Poydras, J. B. Tounoir, Le Doux, Niccollet, Fastio & Monsanto, Dubertrand, Emond Jr. for his father and Missonniere, Duval all sign a petition for a provisional seizure of Methode's property. Commander de Grand-Pré orders all sent to the Superior Court where a suitable decree will be rendered.

Pierre Methode replies with a long petition, stating that Pierre Bidou called Herbert has presented a "long circumlocution" without answering the charges made in his petition of the 5th of the month, namely that, the obligation for 800 piastres was without consideration that he had been forced to sign against his will and now seeks its annulment. He asks that Bidou be called upon to renounce this claim within 8 days, or that the case go to the Superior Court of this Province before which he will submit the obligation and his protest.

On September 15, 1780, Commander de Grand-Pré orders this sent to the defendant and Bidou files a long answer saying that it is singular that he is charged with not having answered his opponent's demand; not only has he done so, but he is ready to present several witnesses to testify that Methode was very well satisfied to sign the obligation for 800 piastres. Thereupon he replies to Methode's charges and demands, point by point, and accuses him of playing the role of a child, in claiming that fear of Bidou made him sign the obligation when he was not afraid of his other creditors. He, too, asks to carry the case to the Court in New Orleans. This petition Grand-Pré orders sent to Methode.

The obligation dated May 31, 1780 recites it is executed before Charles de Grand-Pré in the presence of Messrs. Ricard de Reintord and Francois Allain.

That Pierre Methode of Point Coupee agrees to pay Pierre Bidou, of Isle de Rhei, France, now of this Province, 800 piastres in two terms of 400 piastres each, the first after the harvest and the other at the end of the harvest of the year 1781. This sum total is for the rights of Pierre Bidou in favor of his wife, Catherine Herbert, in the successions of her father and mother, the latter wife by her third marriage, of Pierre Methode. Bidou obligates him-

self not to claim anything more, on the part of his wife, from her step-father. For the payment of this sum, Methode mortgages his present and future estate.

On October 8, 1780, the case arrives in Alcalde Pedro Piernas' Court who orders the record sent to Don Doroteo del Postigo who rules that they must be translated into Spanish from the French in which they are written, by Francisco Langlois. He is notified, accepts, takes oath, and begins the translation which is never finished, possibly because the action of Methode's other creditors noted before acted as a stay of the proceedings.

Pierre Bidou Herbert presents another one of his long petitions complaining that the debt of 800 piastres was not included in the statement of Methode's debts. He asks that his claim be included. These last proceedings from Pointe Coupee arrive in Alcalde Pedro Piernas' Court October 8, 1780, and are sent to Postigo for legal advice. He orders them translated into Spanish by Francisco Langlois. He qualifies and makes the translation which is filed with this suit.

There are about a dozen blank sheets of paper and then a petition by Guillermo Strother, syndic for the succession of Isaac Montsanto, through his attorney, Fernando Rodriguez and Juan Guillermo Dubertrand, both creditors of the estate of Pedro Methode in the proceedings of the concursus of his creditors. The petitioners allege that if Methode's estate should be sold it would not bring sufficient to pay everyone in full and they do not wish to ruin and impoverish him to satisfy themselves, since his loss is not through Methode's fault, but has been caused by the terrible hurricanes of 1779-80. In order to help to pay themselves as major creditors, they concede him four years in which to make full and entire payment of his obligations to them, on condition that at the end of each year he pay a fourth part of their debt. These terms will begin to run and to be counted from January 1, 1781, when the debts due all the creditors amounting to 6208 pesos 1 real must be pro rated and paid. They ask the Court to interpose its authority and judicial decree and to order a despatch issued and sent to the Commander of the Post of Pointe Coupee where the creditors live to notify them of the stay proceedings. Piernas on Postigo's advice rules:

Issue a despatch to the Commander of the Post of Point Coupee, Carlos de Grand-Pré, so that he may summon before him Pedro Methode's creditors to notify them of this decree and explain to them, if it is necessary, the stay proceedings accorded on the request of Guillermo Strother, Juan Guillermo Dubertrand and Juan B. Toussaint for a term of four years. Let it be made evident to the greater part of the creditors, the amount of the

debts and not the number of persons that are accorded the said terms, obligating all the rest of them to abide by the decision. Fees two pesos.

A marginal note says that the despatch that was ordered has been issued. This ends the proceedings.

September 13.
Salomon Mallines, Testamentary Executor of Joseph Dubord vs. Francisco Bonne.
 No. 3568. 11 pp.
 Court of Alcalde de Verges.
 Assessor, Juan Doroteo del Postigo.
 Escribano, Leonardo Mazange.

Executory process issued to collect the price of a slave adjudicated to defendant at the Succession sale of the effects of the estate of Joseph Dubord.

against Pedro Bonne's estate for 850 pesos, its one tenth and costs.

Alcalde de Verges on Postigo's advice orders the debt paid within 8 days with a warning of execratory proceedings. Bonne was absent on his plantation and Mallines petitions for a writ of citation which is ordered issued and is served by Francisco Langlois. Nothing is done by the defendant, and the plaintiff reiterates his plea for a writ of execution. Alcalde de Verges, on Postigo's advice orders the writ of execution issued. It was issued, but never served as the litigants settled the case amicably.

Bonne pays the debt and in a joint petition they ask to have the suit dismissed. The Court rules accordingly, with costs to be paid by the one who has occasioned them. Salomon Mallines receipts for the 850 pesos. Costs taxed at 116 reales.

September 20.
Marcos Olivares vs. Pablo La Cou, called Dubourg.
 No. 3573. 6 pp.
 Court of Alcalde Pedro Piernas.
 Assessor, Postigo.
 Escribano, Mazange.

Plaintiff alleges the defendant owes him 250 pesos on a note attached (removed) due for 1000 pounds of tallow at the rate of two reales per pound. The time for payment having expired, he prays that the debt be ordered settled promptly. Alcalde Piernas orders this petition sent to the assessor for

Suit on a note for 250 pesos for the purchase price of 1000 pounds of tallow at the rate of 2 reales per pound.

legal advice, who orders Pablo La Cou, called Dubourg to acknowledge and verify the debt. The defendant is on his plantation which necessitates citation proceedings.

The writ is served by Nicolas Fromentin. Mr. La Cou Dubourg Jr. acknowledges and verifies the debt. Marcos Olivares petitions, saying; his opponent has agreed to pay him promptly, he asks to have the original note presented on page 1 returned to him and costs taxed. Piernas rules: As it is prayed. Olivares receipts for the note.

(To Be Continued)



EDITOR'S CHAIR

By Henry P. Dart

A NEW LIGHT ON
THE ATTITUDE OF
SPAIN IN THE
LOUISIANA CESSION
OF 1762.

There is a paper in the *American Historical Review* for July that should be read by every one interested in the colonial history of Louisiana. It is by Arthur S. Aiton (University of Michigan), and is entitled "*The Diplomacy of the Louisiana Cession*." The opening paragraph indicates the purpose of the writer. He says:

It has long been the custom of writers of American history to refer to Louisiana at the time of its transfer to Spain, as a colonial "white elephant." It has been equally conventional to describe the Cession of this province as a compensation for the loss of Florida by Spain in the peace preliminaries of 1762. A more complete survey of the materials bearing upon that important episode casts some doubt on the validity of these conclusions, adds two years to the story, and brings to light new facts. An attempted restatement seems therefore to be justified.

In justice to Mr. Aiton, we cannot analyze his interesting paper nor use his material here, but we can say that he shows by documentary evidence that as early as 1760, Charles III of Spain indicated to the French ambassador a desire to acquire Louisiana "after the peace." Mr. Aiton's study must hereafter be considered as having pierced the veil of legend that has obscured the Cession and it is more than possible he has established the real motive of both countries and that history will hereafter say with him, that so far as France was concerned,

The Cession was given all the appearance of an impulsive, generous, even quixotic gesture, but it was a calculated move of national policy, carefully staged by a statesman (Choiseul) intent on deriving every ounce of advantage for his own country (in the deal with England) and on the part of Spain that she was at least not unwilling to acquire a territory she had long coveted and from her point of view, really needed for the protection of the rest of her North American possessions should England ever

oust France. (Both parentheses by the editor of the Quarterly.)

We concur with Mr. Aiton that his restatement of the negotiations has justified his labors and that his new facts are essential and hitherto unknown elements to be considered in future treatment of this problem. The author announces that the manuscript materials used in this study are included in a larger group of documents which form the basis of a forthcoming volume by him on *The Role of America in French-Spanish Diplomacy, 1759-1779*. We hail the appearance of another scholar in a field where Dr. Whitaker and others have broken ground and we shall await with interest Mr. Aiton's further contributions. It is a fertile field as yet largely untried, for here lies a crop of knowledge that history so far has been unable to harvest.

Not every writer is able to crown his work with a felicitous and unforgettable title, but this has been done by Dr. Jesse T. Carpenter (New York University) in a volume with this title, issued by the New York University Press. The jacket contains this characterization of the work:

"A noteworthy contribution to the history of the political movements culminating in the secession of the South and to the discussion of the still-existing problems of minority representation."

It is not often that a jacket summarizes so completely the conclusions of every reader on the contents of the book, for it is true that Dr. Carpenter has gone deeply into the problem of the real and imagined grievances of the South, from the organization of government under the Constitution of the United States down to the Civil War. He starts with the proposition that his work is a study of the political thought of the Old South as a conscious minority seeking protection in the American Union from the political power of a Northern majority during the years 1789-1861. With the predicate that the South was a sectional minority and fearful of opposition, he discusses the methods adopted by the South for protection and under appropriate chapter headings divides the problem as it was met from time to time by the orators and statesmen of the South, developing the creation of each

principle and its absorption or extension into another principle. Thus, originally The Principle of Local Self-Government was the dominant characteristic of Southern defense. This useful method was under stress followed by The Principle of the Concurrent Voice, with a system of checks and balances in all the departments of the government. This principle in the course of events and perhaps through natural causes ceased to be effective, and The Principle of Constitutional Guarantees was set up. This last principle seemed for a time to be on an adamantine foundation, but the rise of the doctrine of the "Higher Law" and the "Irrepressible Conflict" alarmed the South and set it upon a course toward Secession, which is the subject of the last chapter of the book, *The Principle of Southern Independence*.

It will be seen that the author has entered upon an ambitious and in some respects, original study of the problems of the South in the Union and following the methods of the medical profession, he has diagnosed the trouble in order to locate the cause of the disease that resulted in secession in 1861. That the theme is an attractive one is evidenced by the library of books that has been written on the general subject—a collection of such magnitude it would require a lifetime to read all of it.

We have long thought that the time is ripe for a re-examination of these ancient dogmas, under the light of the events since the War of 1861-65, and the views of the new generation, and particularly under the historical methods of the present century. The problem has ceased to be controversial and the truth of history requires that efforts be made to separate the elements of discord and to establish the causes which almost from the start arrayed the sections in antagonism. Whether this book is the last word or not, the author has written an extremely interesting thesis and if he has done nothing else, he has coined a catching phrase that sums up in a few words the attitude of the book. It is to be hoped that the South, once a conscious minority, now an equal and intelligent member of the Union, will accord this book the careful reading to which it is entitled.

